

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5289**September Term, 2024****1:23-cv-01017-APM****Filed On:** May 29, 2025

John Berman,

Appellant

v.

Federal Election Commission,

Appellee

BEFORE: Wilkins, Rao, and Childs, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, the court's order to show cause why that motion should not be decided without a response, the opposition to the motion, and the reply, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the motion for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court did not abuse its discretion in denying appellant's motion under Federal Rules of Civil Procedure 59 and 60. See Cobell v. Jewell, 802 F.3d 12, 23 (D.C. Cir. 2015); Smalls v. United States, 471 F.3d 186, 191 (D.C. Cir. 2006). To the extent that appellant sought relief under Rule 59, his motion was untimely because he did not file it within the requisite 28 days. See Fed. R. Civ. P. 59(e); United States v. Three Sums Totaling \$612,168.23 in Seized U.S. Currency, 55 F.4th 932, 937 (D.C. Cir. 2022). As for appellant's request for relief under Rule 60, the district court properly adhered to its determination that appellant lacked standing to bring this action because he failed to show that he had "a statutory right" to his requested information or that the information related to his "informed participation in the political process." Campaign Legal Ctr. v. FEC, 31 F.4th 781, 789 (D.C. Cir. 2022) (quoting Nader v. FEC, 725 F.3d 226, 230 (D.C. Cir. 2013)).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-5289

September Term, 2024

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Selena R. Gancasz

Deputy Clerk