

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-5399

September Term, 2000

Mary Lynom, Major,
Appellant

Filed On: October 25, 2000 [552156]

v.

Sheila E. Widnall, et al.,
Appellees

Appeal from the United States District Court
for the District of Columbia
(No. 95cv00233)

Before: EDWARDS, *Chief Judge*, ROGERS and GARLAND, *Circuit Judges*.

J U D G M E N T

This appeal from a judgment of the district court was presented to the Court and briefed by counsel. The Court has accorded the issues full consideration and has determined that they occasion no need for a published opinion. *See* D.C. Cir. Rule 37(b). It is

ORDERED and **ADJUDGED** that the judgment of the district court is affirmed substantially for the reasons stated in the district court's opinion of September 17, 1998. *See Feres v. United States*, 340 U.S. 135, 146 (1950); *see also United States v. Stanley*, 483 U.S. 669, 683-84 (1987); *Chappell v. Wallace*, 462 U.S. 296, 300-05 (1983); *Bois v. Marsh*, 801 F.2d 462, 469-71 (D.C. Cir. 1986). At oral argument, counsel for plaintiff suggested that her complaint could avoid the bar erected by the *Feres* doctrine if it were limited to actions taken by certain defendants after their retirement from the military. Because, as counsel conceded, this argument was made for the first time at oral argument, it is forfeited. *See Chedick v. Nash*, 151 F.3d 1077, 1084 (D.C. Cir. 1998); *see also Swanks v. Washington Metro Area Transit Auth.*, 179 F.3d 929, 936 (D.C. Cir. 1999); *United States v. Thompson*, 27 F.3d 671, 677 n.1 (D.C. Cir. 1994).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. *See* D.C. Cir. Rule 41(a)(1).

FOR THE COURT:
Mark J. Langer, Clerk

BY:

Deputy Clerk