

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 00-1407**

**September Term, 2001**

Filed On: October 17, 2001 [632684]

First Transit, Inc. successor to Ryder/ATE, Inc.,  
Petitioner

v.

National Labor Relations Board,  
Respondent

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On Petition for Review and Cross-Application for Enforcement  
of an Order of the National Labor Relations Board

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Before: GINSBURG, *Chief Judge*, SENTELLE and GARLAND, *Circuit Judges*.

## **J U D G M E N T**

This appeal was considered on the record from the National Labor Relations Board and on the briefs filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36(b). It is

ORDERED and ADJUDGED that the petition for review be denied and the cross-application for enforcement be granted. Because First Transit did not present to the National Labor Relations Board the arguments it now presents to the court, the court is without jurisdiction to consider First Transit's arguments, as provided in §10(e) of the National Labor Relations Act, 29 U.S.C. §160(e). As a result, the cross-application of the NLRB stands unopposed and there is no reason before the court not to grant such application.

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.

*Per Curiam*

**FOR THE COURT:**

Mark J. Langer, Clerk

By:  
Deputy Clerk