

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-7032

September Term, 2018

1:16-cv-01283-CKK

Filed On: December 31, 2018

Jasper Washington, Jr.,

Appellant

v.

AlliedBarton Security Services, LLC,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Tatel, Griffith, and Srinivasan, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia, on the briefs filed by the parties, and the supplements thereto. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court’s order, entered February 5, 2018, be affirmed. The district court held that appellant raised a hybrid § 301/fair representation claim against appellee and that such claim was untimely under the applicable statute of limitations. See DelCostello v. Int’l Bhd. of Teamsters, 462 U.S. 151, 169 (1983) (six-month statute of limitations in § 10(b) of the National Labor Relations Act applicable to hybrid § 301/duty of fair representation claims). In addition, to the extent appellant alleged tortious interference with contract, negligent infliction of emotional distress, and violation of the D.C. False Claims Act, the district court held that those allegations failed to state a claim. Because appellant makes no argument on appeal regarding the district court’s decision to dismiss the hybrid claim, the negligent infliction of emotional distress claim, or the D.C. False Claims Act claim, he has forfeited any challenge to those aspects of the district court’s decision. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) (“Ordinarily, arguments that parties do not make on appeal are deemed to have been waived.”). Similarly, because appellant raises an argument regarding tortious interference with contract for the first time in his reply brief, he has also forfeited that issue. See Am. Wildlands v. Kempthorne, 530 F.3d 991, 1001 (D.C. Cir. 2008) (An argument raised for the first time in a reply brief is forfeited.).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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