

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5355

September Term, 2018

1:18-cv-01570-CRC

Filed On: May 31, 2019

Teresita A. Canuto,

Appellant

v.

GlaxoSmithKline, US Corporate
Headquarters, et al.,

Appellees

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

BEFORE: Tatel, Millett, and Rao, 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 and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the “application for leave to submit new evidence,” which the court construes as a motion to supplement the record, it is

ORDERED that the motion to supplement the record be denied. See Colbert v. Potter, 471 F.3d 158, 165 (D.C. Cir. 2006) (“Appellate courts do not ordinarily consider evidence not contained in the record developed at trial.”). It is

FURTHER ORDERED AND ADJUDGED that the district court’s orders filed October 22 and October 31, 2018, be affirmed. Appellant has not squarely challenged the district court’s conclusion that her claims are barred by her failure to file with the Clerk of the Court of Federal Claims a timely written election to proceed with a civil action, see 42 U.S.C. §§ 300aa-11(a)(2), 300aa-21(a), nor has she identified any other valid basis for the district court to have exercised jurisdiction over her claims. Appellant’s arguments concerning due process do not identify any process she was due

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and did not receive; nor do they implicate the district court’s jurisdictional rulings. “The essential requirements of due process . . . are notice and an opportunity to respond,” Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 546 (1985), and the court is satisfied that appellant has received due process in this case. Finally, this court will not consider the new arguments appellant raised in her reply briefs. Newspaper Ass’n of Am. v. Postal Regulatory Comm’n, 734 F.3d 1208, 1212 (D.C. Cir. 2013).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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:
Mark J. Langer, Clerk

By: /s/
Ken Meadows
Deputy Clerk