

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5068

September Term, 2024

1:21-cv-02412-RBW

Filed On: September 4, 2024

Darryl Burke,

Appellant

v.

United States Department of Justice,

Appellee

Consolidated with 23-5146

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

BEFORE: Henderson, Walker, and Childs, 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 brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's March 2, 2023 denial of leave to file and June 9, 2023 order be affirmed. Appellant's notices of appeal are untimely as to the underlying dismissal of his civil action. See Fed. R. App. P. 4(a)(1)(B). Appellant has not shown that the district court erred in recounting the procedural history of the case in its June 9 order. Additionally, appellant has not argued that the district court abused its discretion in denying him leave to file a motion or in denying his subsequent requests for procedural relief, and he thus has forfeited any such argument. 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.").

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5068

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

BY: /s/
Daniel J. Reidy
Deputy Clerk