

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5256**September Term, 2023****1:23-cv-02009-UNA****Filed On:** January 22, 2024

Phallon Spates,

Appellant

v.

Thomas J. Vilsack, OSEC,

Appellee

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

BEFORE: Henderson, Childs, and Pan, 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). Upon consideration of the foregoing and the motion for reconsideration of the order setting a briefing schedule, it is

ORDERED AND ADJUDGED that the district court's October 10, 2023 order denying appellant's motion to reinstate case be affirmed. To the extent appellant has sought to challenge the August 1, 2023 order dismissing her complaint for failure to state a claim, her appeal is not timely as to that order because it was filed more than 60 days after the order was issued. See Fed. R. App. P. 4(a)(1)(B). Regarding the October 10, 2023 order denying appellant's motion to reinstate case, the district court did not abuse its discretion by denying the motion because appellant did not address, much less clarify, the basis for her claims. See United States v. Philip Morris USA Inc., 840 F.3d 844, 852 (D.C. Cir. 2016) (reviewing for abuse of discretion a district court order denying a motion under Federal Rule of Civil Procedure 60 to reopen a final judgment). It is

FURTHER ORDERED that the motion for reconsideration be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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