

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-5231

September Term, 2015

1:15-cv-00676-UNA

Filed On: January 19, 2016

Margaret Kathleen Nickerson-Malpher,

Appellant

v.

United States Federal Corporation, et al.,

Appellees

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

BEFORE: Kavanaugh and Pillard, Circuit Judges, and Ginsburg, Senior Judge

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 order, filed July 22, 2015, denying relief under Fed. R. Civ. P. 60(b), be affirmed. The notice of appeal, filed August 10, 2015, was timely only as to the order denying appellant's Rule 60(b) motion. The Rule 60(b) motion did not toll the time for noting an appeal from the district court's order entered May 5, 2015, see Fed. R. Civ. P. 59(e) (motion to alter or amend judgment must be filed no later than 28 days after entry of judgment), and "an appeal from the denial of Rule 60(b) relief does not bring up the underlying judgment for review," Browder v. Director, Illinois Dept. of Corrections, 434 U.S. 257, 263 n.7 (1978). The district court did not abuse its discretion in denying the Rule 60(b) motion. See Smalls v. United States, 471 F.3d 186, 191-92 (D.C. Cir. 2006).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/
Ken Meadows
Deputy Clerk/LD