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FILED: April 22, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-1889  
(1:17-cv-03260-JKB)

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XIAO-YING YU

Plaintiff - Appellant

v.

ROBERT R. NEALL, Maryland Department of Health Secretary (formerly Dennis Schrader); DAVID BRINKLEY, Maryland Department of Budget and Management Secretary

Defendants - Appellees

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ORDER

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Upon consideration of the motion to recall the mandate and to vacate decision on appeal, the court denies the motion.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

*Appendix, App-1*

FILED: February 7, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 18-1889  
(1:17-cv-03260-JKB)

XIAO-YING YU

Plaintiff - Appellant

v.

ROBERT R. NEALL, Maryland Department of Health Secretary (formerly Dennis Schrader); DAVID BRINKLEY, Maryland Department of Budget and Management Secretary

Defendants - Appellees

STAY OF MANDATE UNDER  
FED. R. APP. P. 41(d)(1)

Under Fed. R. App. P. 41(d)(1), the timely filing of a petition for rehearing or rehearing en banc or the timely filing of a motion to stay the mandate stays the mandate until the court has ruled on the petition for rehearing or rehearing en banc or motion to stay. In accordance with Rule 41(d)(1), the mandate is stayed pending further order of this court.

/s/Patricia S. Connor, Clerk*Appendix-2a, App. 2*

FILED: April 15, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-1889  
(1:17-cv-03260-JKB)

XIAO-YING YU

Plaintiff - Appellant

v.

ROBERT R. NEALL, Maryland Department of Health Secretary (formerly Dennis Schrader); DAVID BRINKLEY, Maryland Department of Budget and Management Secretary

Defendants - Appellees

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MANDATE

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The judgment of this court, entered January 24, 2019, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/ Patricia S. Connor, Clerk

Appendix-2.2, App-3

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-1889

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XIAO-YING YU,

Plaintiff - Appellant,

v.

ROBERT R. NEALL, Maryland Department of Health Secretary (formerly Dennis Schrader); DAVID BRINKLEY, Maryland Department of Budget and Management Secretary,

Defendants - Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.  
James K. Bredar, Chief District Judge. (1:17-cv-03260-JKB)

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Submitted: January 22, 2019

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Decided: January 24, 2019

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Before MOTZ, KEENAN, and FLOYD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Xiao-Ying Yu, Appellant Pro Se. James Nelson Lewis, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

Appendix-3.1, App. 14

## PER CURIAM:

Xiao-Ying Yu appeals the district court's order dismissing her civil action that alleged claims of workplace discrimination. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Yu v. Neall*, No. 1:17-cv-03260-JKB (D. Md. June 26, 2018). We deny as moot Yu's "Motion for Concerns of the Docket Records." We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*

FILED: January 24, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-1889  
(1:17-cv-03260-JKB)

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XIAO-YING YU

Plaintiff - Appellant

v.

ROBERT R. NEALL, Maryland Department of Health Secretary (formerly Dennis Schrader); DAVID BRINKLEY, Maryland Department of Budget and Management Secretary

Defendants - Appellees

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JUDGMENT

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In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

Appendix 3, 2, App. 16

FILED: March 26, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUITNo. 18-1889  
(1:17-cv-03260-JKB)

XIAO-YING YU

Plaintiff - Appellant

v.

ROBERT R. NEALL, Maryland Department of Health Secretary (formerly Dennis Schrader); DAVID BRINKLEY, Maryland Department of Budget and Management Secretary

Defendants - Appellees

## O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Motz, Judge Keenan, and Judge Floyd.

For the Court

/s/ Patricia S. Connor, Clerk

Appendix-4.

App. 17

**Additional material  
from this filing is  
available in the  
Clerk's Office.**