

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-7150

September Term, 2017

1:15-cv-00625-TSC

Filed On: August 10, 2018

Veronica W. Ogunsula,

Appellant

v.

Staffing Now, Inc.,

Appellee

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

BEFORE: Kavanaugh, Wilkins, and Katsas, Circuit Judges

JUDGMENT

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 motion for leave to file an appendix, it is

ORDERED the that motion for leave to file an appendix be granted. The Clerk is directed to file appellee's lodged appendix. It is

FURTHER ORDERED, on the court's own motion, that the Clerk is directed to file the appendix lodged by appellant on May 24, 2018. It is

FURTHER ORDERED AND ADJUDGED that the district court's orders filed January 19, 2017, May 11, 2017, and September 21, 2017 be affirmed. To establish a *prima facie* case of employment discrimination, appellant was required to show that she applied and was qualified for a job for which appellee was seeking applicants; despite her qualifications, she was rejected; and after her rejection, the position remained open and appellee continued to seek applicants from persons of her qualifications. See *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973); *Aka v. Washington*

* Circuit Judge Kavanaugh was a member of the panel at the time the case was submitted, but did not participate in this judgment.

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Hosp. Center, 156 F.3d 1284, 1288 (D.C. Cir. 1998) (en banc). Appellant has shown no error in the district court's holding that she failed to make such a *prima facie* showing.

Appellant argues that she lacked evidence in support of her claims because the district court incorrectly denied her discovery motions. However, she has not demonstrated that the court abused its broad discretion to manage the scope of discovery. See SafeCard Servs., Inc. v. SEC, 926 F.2d 1197, 1200 (D.C. Cir. 1991).

Appellant's remaining claims of error were not raised in district court and are raised for the first time on appeal in her reply brief, and we accordingly decline to consider them. See United States v. Stover, 329 F.3d 859, 872 (D.C. Cir. 2003); McBride v. Merrell Dow and Pharms., Inc., 800 F.2d 1208, 1210 (D.C. Cir. 1986).

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/
Michael C. McGrail
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-7150

September Term, 2018

1:15-cv-00625-TSC

Filed On: December 3, 2018

Veronica W. Ogunsula,

Appellant

v.

Staffing Now, Inc.,

Appellee

BEFORE: Wilkins and Katsas, Circuit Judges

ORDER

Upon consideration of the amended petition for rehearing, the supplement thereto, and the motion to recuse, it is

ORDERED that the motion to recuse be denied. Appellant has not demonstrated that the court's impartiality might reasonably be questioned. See 28 U.S.C. § 455. It is

FURTHER ORDERED that the petition for rehearing be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-7150

September Term, 2018

1:15-cv-00625-TSC

Filed On: December 3, 2018

Veronica W. Ogunsula,

Appellant

v.

Staffing Now, Inc.,

Appellee

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Griffith, Srinivasan, Millett, Pillard, Wilkins, and Katsas, Circuit Judges

ORDER

Upon consideration of the amended petition for rehearing en banc and the supplement thereto, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk