

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5225**September Term, 2022****1:20-cv-00915-BAH****Filed On: February 1, 2023**

Taotao USA, Inc., et al.,

Appellants

v.

Environmental Protection Agency and Phillip
A. Brooks, Director, Air Enforcement Division,
Office of Civil Enforcement, Office of
Enforcement,

Appellees

BEFORE: Henderson, Katsas, and Rao, Circuit Judges**ORDER**

Upon consideration of the motion for summary affirmance, the response thereto, and the reply, it is

ORDERED that the motion for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Appellants have not shown that the district court abused its discretion in denying their motion for an extension of time to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5). To explain their failure to file a notice of appeal, appellants state that their Texas counsel has an employee prepare a weekly list of electronic notifications received in pending cases, and that the employee newly responsible for preparing the list neglected to include the district court's final order in this case. Appellants do not dispute that they also had local counsel in Virginia who received notice of the final order on the day of issuance but took no action. Nor do appellants challenge the district court's determination that extending the time to file a notice of appeal would prejudice the government by requiring it to devote further attention and resources to this case. *Al-Tamimi v. Adelson*, 916 F.3d 1, 6 (D.C. Cir. 2019) ("Mentioning an argument in the most skeletal way . . . is tantamount to failing to raise it."). In these circumstances, appellants have not demonstrated that the district court abused its discretion in concluding that the reasons for delay and the danger of prejudice to the government weigh against appellants, or in its ultimate determination that there was not excusable neglect warranting an extension of time.

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Appellants, in their opposition to summary affirmance, challenge neither the district court's denial of their alternative motion to extend the time to file a motion for reconsideration, nor the denial of the motion for reconsideration itself. See *United States ex rel. Totten v. Bombardier Corp.*, 380 F.3d 488, 497 (D.C. Cir. 2004) (arguments not raised on appeal are forfeited).

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