

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 05-7165**

**September Term, 2006**

FILED ON: SEPTEMBER 26, 2006

[993906]

ROBERT KAPLAN,

APPELLANT

v.

T-MOBILE USA, INC.,

APPELLEE

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Appeal from the United States District Court  
for the District of Columbia  
(No. 02cv01851)

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Before: RANDOLPH and TATEL, *Circuit Judges*, and WILLIAMS, *Senior Circuit Judge*.

## **J U D G M E N T**

This case was considered on the record from the United States District Court for the District of Columbia and on the briefs and arguments of the parties. It is

ORDERED AND ADJUDGED that the order of the district court be affirmed for the reasons stated in its memorandum order of October 14, 2005.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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 rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

Michael C. McGrail  
Deputy Clerk

