

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 17-1163**

---

In re: KATHERINE B. ROBINSON,

Appellant.

---

Appeal from the United States District Court for the District of Maryland, at Greenbelt.  
Catherine C. Blake, Chief District Judge. (8:16-mc-00965)

---

Submitted: July 27, 2017

Decided: July 31, 2017

---

Before AGEE and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

---

Dismissed by unpublished per curiam opinion.

---

Katherine B. Robinson, Appellant Pro Se.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Katherine B. Robinson seeks to appeal the district court's order dismissing on res judicata grounds her civil complaint against the Department of Justice Drug Enforcement Administration and the Virginia Employment Commission, and the district court's order issuing a prefiling injunction against Robinson for her repeated filing of similar complaints against these Defendants. This court affirmed the challenged orders by unpublished per curiam opinion filed on April 25, 2017, and the mandate in that appeal issued on June 19, 2017. *See Robinson v. Dep't of Justice Drug Enf't Admin.*, No. 17-1036, 2017 WL 1476151 (4th Cir. Apr. 25, 2017) (unpublished). Because we have previously affirmed the district court's orders, this appeal is duplicative.

To the extent that Robinson's appellate filings could be construed as a challenge to this court's previous opinion affirming the district court's orders, the time for filing a rehearing petition expired long ago. *See Fed. R. App. P. 40(a)(1)* ("Unless the time is shortened or extended by order or local rule, a petition for panel rehearing may be filed within 14 days after entry of judgment."). Moreover, this court may recall its mandate to avoid injustice only in exceptional cases. *See Alphin v. Henson*, 552 F.2d 1033, 1035 (4th Cir. 1977). "The sparing use of the power demonstrates it is one of last resort, to be held in reserve against grave, unforeseen contingencies." *Calderon v. Thompson*, 523 U.S. 538, 550 (1998). Robinson's is not an exceptional case and, thus, the district court's orders are not subject to relitigation before this court.

Accordingly, we deny Robinson's application to proceed in forma pauperis and dismiss the appeal. 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.

*DISMISSED*