

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-5408

September Term, 2006
06cv01890

Filed On: December 22, 2006

[1012871]

Apotex, Inc.,
Appellant

Mutual Pharmaceutical Company, Inc.,
Appellee

v.

Food & Drug Administration, et al.,
Appellees

BEFORE: Henderson, Randolph, and Tatel, Circuit Judges

ORDER

Upon consideration of the emergency motion for injunctive relief pending appeal, the oppositions thereto, and the reply, it is

ORDERED that the motion be denied. Appellant has not satisfied the stringent standards required for an injunction pending appeal. See Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977); D.C. Circuit Handbook of Practice and Internal Procedures 32-33 (2006). It is

FURTHER ORDERED, on the court's own motion, that the district court's December 7, 2006 order be summarily affirmed. Given this court's conclusion that appellant has not met the requirements for preliminary relief pending appeal, it necessarily follows that the district court did not abuse its discretion in applying the same standard to deny appellant's request for a preliminary injunction. See Deaver v. Seymour, 822 F.2d 66, 66-67 (D.C. Cir. 1987) (court sua sponte affirmed district court's denial of preliminary injunction after concluding appellant did not meet requirements for injunction pending appeal).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:
Deputy Clerk