

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1326**September Term, 2022****DEA-09/23/22 Letter****Filed On: May 4, 2023**

Bryan A. Krumm, CNP,

Petitioner

v.

Drug Enforcement Administration,

Respondent

BEFORE: Millett and Wilkins, Circuit Judges, and Sentelle, Senior Circuit Judge

ORDER

Upon consideration of the petition for a writ of mandamus; the motion for summary reversal; and the motion to dismiss, the opposition thereto, and the reply, it is

ORDERED that the motion to dismiss be granted. The petition for review was filed more than 30 days after notice of the Drug Enforcement Administration's decision and is therefore untimely. See 21 U.S.C. § 877. Additionally, appellant has not shown that equitable tolling of the deadline is warranted. See Young v. Sec. & Exch. Comm'n, 956 F.3d 650, 655 (D.C. Cir. 2020) (litigant seeking equitable tolling must show "he has been pursuing his rights diligently" and that "some extraordinary circumstance stood in his way") (citation omitted). Furthermore, appellant has not shown that the deadline to file a petition for review under § 877 deprives him of equal protection by treating him differently than similarly situated persons. See Women Prisoners of D.C. Dep't of Corr. v. D.C., 93 F.3d 910, 924 (D.C. Cir. 1996). It is

FURTHER ORDERED that the motion for summary reversal be dismissed as moot. It is

FURTHER ORDERED that the petition for a writ of mandamus be denied. Appellant has not shown that "no adequate alternative remedy exists" to pursue his requested relief. Citizens for Resp. & Ethics in Wash. v. Trump, 924 F.3d 602, 606 (D.C. Cir. 2019) (citation omitted).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk

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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/
Tatiana Magruder
Deputy Clerk