

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of December, two thousand twenty-four.

PRESENT: GUIDO CALABRESI,
RAYMOND J. LOHIER, JR.,
MICHAEL H. PARK,
Circuit Judges.

ERICA MAITLAND,

Plaintiff-Appellant,

v.

No. 23-7520-cv

TARGET CORPORATION, D/B/A TARGET,

Defendant-Appellee.

FOR APPELLANT:

Erica Maitland,
pro se, Brooklyn, NY

FOR APPELLEE:

Mitchell B. Levine, Fishman
McIntyre, P.C., New York, NY

Appeal from a judgment of the United States District Court for the Eastern District of New York (Margo K. Brodie, *Chief Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the District Court is AFFIRMED.

Erica Maitland, proceeding *pro se*, appeals from a judgment of the United States District Court for the Eastern District of New York (Brodie, *C.J.*) granting summary judgment in favor of Target Corporation in Maitland's negligence action. We assume the parties' familiarity with the underlying facts and the record of prior proceedings, to which we refer only as necessary to explain our decision to affirm.

We review the District Court's grant of summary judgment *de novo*, construing the evidence in Maitland's favor. See *Kaytor v. Elec. Boat Corp.*, 609 F.3d 537, 546 (2d Cir. 2010). Maitland's one-page appellate brief does not address the reasoning of the District Court's order dismissing her complaint. Instead, Maitland raises new jurisdictional and constitutional arguments that she

did not previously raise before the District Court and that she raises for the first time on appeal. She has thus forfeited those arguments, and we will not consider them on appeal. See *In re Nortel Networks Corp. Sec. Litig.*, 539 F.3d 129, 132 (2d Cir. 2008).

Likewise, although Maitland's motion to proceed *in forma pauperis* filed in this Court challenged the District Court's summary judgment order, her appellate brief does not refer to the District Court's order. Accordingly, we conclude that Maitland has abandoned her challenge to the District Court's summary judgment ruling. See *LoSacco v. City of Middletown*, 71 F.3d 88, 92–93 (2d Cir. 1995).

CONCLUSION

For the foregoing reasons, the judgment of the District Court is
AFFIRMED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court