

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-15904
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 7, 2006 THOMAS K. KAHN CLERK

D. C. Docket No. 04-00428-CV-OC-10-GRJ

DEBORAH A. MCDONALD,

Plaintiff-Appellant,

versus

ALPEN HOUSE LIMITED, CORP.,
a foreign corporation doing
business as Adena Springs
South doing business as
Adena Springs,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Florida

(June 7, 2006)

Before TJOFLAT, DUBINA and HULL, Circuit Judges.

PER CURIAM:

Deborah McDonald appeals the district court's denial of her pre-verdict motion for judgment as a matter of law. In addition, she requests that we order the district court to grant an injunction prohibiting Alpen House Limited, Corp., from future violations of the EPA's record-keeping requirements, 29 U.S.C. § 211(c); 29 C.F.R. § 1620.32(b).

At the close of all the evidence, McDonald moved the court to grant her judgment as a matter of law. She failed to renew the motion, however, after the jury returned its verdict.

In the absence of a post-verdict motion under Federal Rule of Civil Procedure 50(b), an “appellate court is without power to direct the District Court to enter judgment contrary to the one it had permitted to stand.” Unitherm Food Sys. v. Swift-Eckrich, Inc., 126 S.Ct. 980, 985–86, 163 L.Ed.2d 974 (2006) (internal quotes omitted). Because McDonald failed to renew her motion, we lack authority to review the motion now.

McDonald asks us to order the district court to grant an injunction prohibiting Adena from violating the record-keeping provisions of the EPA, as embodied in 29 U.S.C. § 211(c) and 29 C.F.R. § 1620.32(b). She did not ask the district court to enter such injunction; hence, we refuse to consider her request

now. “[A]n issue not raised in the district court and raised for the first time in an appeal will not be considered by this court.” Access Now, Inc. v. Southwest Airlines Co., 385 F.3d 1324, 1331 (11th Cir. 2004) (internal quotes and citations omitted).

AFFIRMED.