

NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

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**DEBORAH MECKLER**  
**(EXECUTRIX OF THE ESTATE OF ALTON B.**  
**HORNBACK),**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee..*

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2011-5040

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Appeal from the United States Court of Federal  
Claims in No. 10-CV-384, Judge Lynn J. Bush.

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## **JUDGMENT**

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PHILLIP A. BENNETT, Knobbe, Martens, Olson & Bear,  
LLP, of San Diego, California, argued for plaintiff-  
appellant. With him on the brief was BORIS ZELKIND.

SUSAN L. C. MITCHELL, Attorney, Commercial  
Litigation Branch, Civil Division, United States  
Department of Justice, of Washington, DC, argued for  
defendant-appellee. With her on the brief were TONY  
WEST, Assistant Attorney General and JOHN J. FARGO,  
Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

**AFFIRMED. See Fed. Cir. R. 36.**

PER CURIAM (BRYSON, CLEVINGER AND, LINN, *Circuit Judges*).

ENTERED BY ORDER OF THE COURT

December 13, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk