NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

HORIZON LINES, LLC,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellant.

2012-1163

Appeal from the United States Court of International Trade in No. 08-CV-0009, Judge Evan J. Wallach.

JUDGMENT

DEAN A. BARCLAY, William Mullen, PC, of Washington, DC, argued for plaintiff-appellee. With him on the brief were EVELYN M. SUAREZ, GEORGE H. BOWLES and J. FORBES THOMPSON. Of counsel was ROBERT S. ZUCKERMAN, Horizon Line, LLC, of Charlotte, North Carolina.

JASON M. KENNER, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of New York, New York, argued

for defendant-appellant. With him on the brief were BARBARA S. WILLIAMS, Attorney in Charge, International Trade Field Office, STUART DELERY, Acting Assistant Attorney General, JEANNE E. DAVIDSON, Director, and EDWARD F. KENNY, Trial Attorney, of Washington, DC. Of counsel on the brief was PAULA SMITH, Trial Attorney, Office of the Assistant Chief Counsel, International Trade Litigation, United States Customs and Border Protection, of Washington, DC.

EVELYN M. SUAREZ, William Mullen, PC, of Washington, DC, for amicus curiae. With her on the brief were GEORGE H. BOWLES, DEAN A. BARCLAY and J. FORBES THOMPSON.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, MOORE, and O'MALLEY, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

November 9, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk