

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

TODD O'BRYAN,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2010-5129

Appeal from the United States Court of Federal
Claims in No. 08-CV-664, Senior Judge John P. Wiese.

JUDGMENT

TERRY L. PECHOTA, Pechota Law Office, of Rapid City,
South Dakota, argued for plaintiff-appellant.

JEFFREY D. KLINGMAN, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
defendant-appellee. With him on the brief were TONY
WEST, Assistant Attorney General, JEANNE E. DAVIDSON,
Director, and DEBORAH A. BYNUM, Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, PROST, and MOORE, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

April 12, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk