

NOTE: This disposition is nonprecedential.

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

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**JAMES M. LINICK,**  
*Plaintiff-Appellant,*

v.

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

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2012-5097

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Appeal from the United States Court of Federal  
Claims in No. 10-CV-635, Judge Thomas C. Wheeler.

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**JUDGMENT**

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THOMAS J. SCOTT, JR., Goodwin Proctor LLP, of Wash-  
ington, DC, argued for plaintiff-appellant. With him on  
the brief was APRIL E. WEISBRUCH.

KATE RYZOC, Trial Attorney, Civil Division, Commer-  
cial Litigation Branch, United States Department of  
Justice, of Washington, DC, argued for defendant-  
appellee. On the brief were STUART F. DELERY, Principal  
Deputy Assistant Attorney General, JOHN FARGO, Direc-

tor , GARY L. HAUSKEN, Assistant Director, and Benjamin S. Richards, Attorney.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, O'MALLEY, and WALLACH, *Circuit Judge*).

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

ENTERED BY ORDER OF THE COURT

June 18, 2013  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk