

NOTE: This disposition is nonprecedential.

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

YANKTON COUNTY, SOUTH DAKOTA,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2018-1566

Appeal from the United States Court of Federal Claims
in No. 1:17-cv-00488-MMS, Chief Judge Margaret M.
Sweeney.

JUDGMENT

CHRISTOPHER HEALY, Healy Law PLLC, Carmen, ID,
argued for plaintiff-appellant. Also represented by MARK
V. MEIERHENRY, Meierhenry Sargent LLP, Sioux Falls, SD.

JOAN M. PEPIN, Environment and Natural Resources
Division, United States Department of Justice, Washing-
ton, DC, argued for defendant-appellee. Also represented
by JEFFREY H. WOOD, ERIC GRANT, JOHN LUTHER
SMELTZER; STACY K. BIRKEL, Office of Counsel, United
States Army Corps of Engineers, Omaha, NE.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, REYNA, and STOLL, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 8, 2019
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court