

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2008-5036

HARVEST INSTITUTE FREEDMAN FEDERATION,  
BLACK INDIANS UNITED LEGAL DEFENSE FUND,  
and WILLIAM WARRIOR,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 06-CV-907,  
Senior Judge Robert H. Hodges, Jr.

ON MOTION

ORDER

Harvest Institute Freedman Federation et al. move without opposition (1) for leave to file the joint appendix out of time, with appendix attached, and (2) for reconsideration of the court's December 31, 2008 order dismissing the appeal for failure to file the appendix.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions are granted, the mandate is recalled, and the appeal is reinstated.

FOR THE COURT

**FEB 26 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

cc: Percy Squire, Esq.  
Elizabeth Ann Peterson, Esq.

s17

**FEB 26 2009**

JAN HORBALY  
CLERK