

NOTE: This order is nonprecedential

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

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**TOHONO O'ODHAM NATION,**  
*Plaintiff-Appellant,*

v.

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

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2008-5043

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Appeal from the United States Court of Federal Claims in case no. 06-CV-944, Senior Judge Eric G. Bruggink.

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**ON MOTION**

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Before NEWMAN, LINN, and MOORE, *Circuit Judges.*  
LINN, *Circuit Judge.*

**ORDER**

In *Tohono O'Odham Nation v. United States*, 559 F.3d 1284 (Fed. Cir. 2009), this court reversed the decision of the United States Court of Federal Claims that granted the government's motion to dismiss for lack of jurisdiction. In *United States v. Tohono O'Odham Nation*, --- U.S.

---, 131 S. Ct. 1723 (2011), the Supreme Court of the United States reversed the judgment of this court and remanded the case to this court for further proceedings consistent with the Court's opinion.

Accordingly, upon consideration of the decision of the Supreme Court,

IT IS ORDERED THAT:

(1) The judgment of the Court of Federal Claims dismissing Tohono O'Odham Nation's complaint for lack of jurisdiction is affirmed.

(2) This case is remanded to the Court of Federal Claims so that it can reinstate its judgment of dismissal.

FOR THE COURT,

June 17, 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Keith M. Harper, Esq.  
Aaron P. Avila, Esq.