

NOTE: This order is nonprecedential

United States Court of Appeals for the Federal Circuit

2008-5110

PASSAMAQUODDY TRIBE,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 06-CV-942,
Judge Lynn J. Bush.

ON MOTION

Before GAJARSA, Circuit Judge.

ORDER

The Passamaquoddy Tribe responds to this court's order concerning how this case should proceed and requests that this court lift the stay of proceedings in this case, summarily reverse the order of the United States Court of Federal Claims in Passamaquoddy v. United States, 06-CV-942 dismissing its case, and remand for further proceedings. The United States also responds to this court's order and requests that the court continue the stay pending the filing and disposition of a petition for writ of certiorari in Tohono O'odham Nation v. United States, 559 F.3d 1284 (Fed. Cir. 2009)

Upon consideration thereof,

IT IS ORDERED THAT:

The stay of the briefing schedule is lifted. The Tribe's opening brief is due within 60 days of the date of filing of this order.

FOR THE COURT

SEP 30 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

s20

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

SEP 30 2009

JAN HORBALY
CLERK