

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1456

THOMAS S. ROSS,

Plaintiff-Appellant,

v.

UNITED STATES

Defendant-Appellee.

Appeal from the United States District Court for the Southern District of Florida in case no. 07-CV-61723, Judge James I. Cohn.

ON MOTION

ORDER

The court treats Thomas S. Ross's motion for leave to file his brief out of time as a motion to reinstate his appeal. The United States takes no position on the motion.

Ross's appeal was dismissed on September 28, 2009 for failure to file a brief. Ross has now submitted his brief.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. The September 28 dismissal order is vacated, the mandate is recalled, and the appeal is reinstated.

(2) The United States should calculate the due date for his brief from the date of filing of this order.

FOR THE COURT

OCT 27 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Thomas S. Ross
Amanda L. Tantum, Esq.

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

OCT 27 2009

JAN HORBALY
CLERK