

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5027

YANKTON SIOUX TRIBE,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 05-CV-1291,
Judge Lawrence J. Block.

ON MOTION

Before DYK, Circuit Judge.

ORDER

The Yankton Sioux Tribe moves without opposition to stay the briefing schedule in this appeal pending disposition of Tohono O'odham Nation v. United States, 2008-5043.

The Tribe states that this appeal and Tohono O'odham involve a similar issue, i.e., whether the Tribe's suit in the United States Court of Federal Claims for money damages is barred pursuant to 28 U.S.C. § 1500 because of a suit filed in the United States District Court for the District of Columbia. The Tribe states that the court's decision in Tohono O'odham will likely control the outcome of this appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay the briefing schedule is granted. The Tribe is directed to notify this court within 14 days of the issuance of the mandate in Tohono O'odham, concerning how it believes this appeal should proceed. The United States may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panels assigned to Tohono O'odham, to inform that panel of this related appeal.

FEB 26 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Circuit Judge

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

cc: Stuart S. Mermelstein, Esq.
Aaron P. Avila, Esq.

FEB 26 2009

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**JAN HORBALY
CLERK**