NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5109

KAREN MCBRIEN,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 08-CV-840, Senior Judge James F. Merow.

ON MOTION

Before PROST, Circuit Judge.

ORDER

The court treats the letter submitted by Karen McBrien as a request for appointment of counsel. McBrien also moves for an extension of time to file her appeal and brief.

We note that the United States recently filed a motion for summary affirmance. Thus, pursuant to Fed. Cir. R. 31(c), the due date for McBrien's brief is tolled pending disposition of that motion. This court cannot extend the time to appeal, but we note that the appeal itself appears timely filed.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The request for appointment of counsel is denied.

(2) The motions for extensions of time are denied. The briefing schedule is tolled pursuant to Fed. Cir. R. 31(c).

FOR THE COURT

AUG 31 2009
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Karen McBrien
Lauren S. Moore, Esq.

s8

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

AUG 31 2009

JAN HORBALY
CLERK