

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-1008

SUNBELT MACHINE WORKS CORP.,

Plaintiff-Appellee,

v.

ALL AMERICAN CNC SALES, INC. (doing business as Elite Machine Tool Co.),
ALL AMERICAN SALES, INC. (doing business as CNC Repos, Inc.),
GATEWAY INTERNATIONAL HOLDINGS, INC., and TIM CONSALVI,

Defendants-Appellants.

Appeal from the United States District Court for the Southern District of Texas
in case no. 09-CV-108, Judge Simeon Timothy Lake, III.

ON MOTION

Before LOURIE, Circuit Judge.

ORDER

The court considers whether this case should be transferred to the United States Court of Appeals for the Fifth Circuit.

Sunbelt Machine Works Corp. sued the defendants for breach of contract. The district court entered judgment in favor of Sunbelt and the defendants filed a notice of appeal, seeking review by this court.

It appears that this appeal does not fall within this court's jurisdiction. 28 U.S.C. § 1295. Thus, absent objection, this appeal will be transferred to the Fifth Circuit within 14 days of the date of filing of this order. 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

Absent objection received within 14 days of the date of filing of this order, this appeal will be transferred to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

NOV 25 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Blake C. Erskine, Jr., Esq.
Warren D. Morten, Esq.

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

NOV 25 2009

JAN HORBALY
CLERK