

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-5095

LA TRETHER E. STROUGHTER,

Plaintiff,

and

JEROME W. SMITH,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in consolidated case nos. 09-CV-404 and 09-CV-413, Judge Christine O.C. Miller.

## ORDER

Jerome W. Smith moves without opposition to withdraw his appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted. The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

APR 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Jerome W. Smith  
Conrad J. DeWitte, Jr., Esq.

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

ISSUED AS A MANDATE: APR 26 2010

APR 26 2010

JAN HORBALY  
CLERK