

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MICHAEL S. POWELL,
Plaintiff-Appellee,

v.

THE HOME DEPOT U.S.A., INC.,
Defendant-Appellant.

2011-1060

Appeal from the United States District Court for the Southern District of Florida in case no. 07-CV-80435, Judge Daniel T.K. Hurley.

ON MOTION

O R D E R

The Home Depot U.S.A., Inc. moves to dismiss its appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to dismiss the appeal is granted. The appeal is dismissed.

(2) Each side shall bear its own costs.

FOR THE COURT

MAR 09 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Donald R. Dunner, Esq.
George M. Sirilla, Esq.

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Issued As A Mandate: MAR 09 2012

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

MAR 09 2012

JAN HORBALY
CLERK