

NOTE: This order is nonprecedential.

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

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**WHITE BUFFALO CONSTRUCTION, INC.,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2012-5045

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Appeal from the United States Court of Federal  
Claims in consolidated case nos. 99-CV-961, 00-CV-415,  
and 07-CV-738, Senior Judge Loren A. Smith.

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**ON MOTION**

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Before RADER, *Chief Judge.*

**O R D E R**

Luther L. Clevenger moves for substitution and to proceed pro se. Clevenger also seeks an extension of time to file White Buffalo Construction, Inc.'s opening brief. The United States opposes and moves to dismiss the appeal. Clevenger opposes dismissal.

Clevenger is the president and sole stockholder of the appellant, White Buffalo. Clevenger states that White Buffalo has now assigned its claim to him in his individual capacity and that he wishes to proceed pro se.

Federal Circuit Rule 47.3(a) allows an individual to represent himself or herself, but prohibits a corporation, partnership, organization, or other legal entity from doing so. *See also Int'l Inst. for Fundamental Studies, Inc. v. United States*, 222 Ct. Cl. 626, 630-31 (1980).

Clevenger cannot circumvent this rule by assigning the claims to himself, as the appeal is that of White Buffalo, not of Mr. Clevenger. *See Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385-86 (11th Cir. 1985); *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 23 (2d Cir. 1983);

Accordingly,

IT IS ORDERED THAT:

- (1) Clevenger's motion for substitution is denied.
- (2) The United States' motion to dismiss is denied.
- (3) New counsel for White Buffalo shall file an entry of appearance within 60 days of the date of this order. Failure to do so will result in dismissal of the appeal.
- (4) The briefing schedule is stayed.

FOR THE COURT

MAY 08 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Timothy P. McIlmail, Esq.  
Luther L. Clevenger

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

MAY 08 2012

JAN HORBALY  
CLERK