

NOTE: This disposition is nonprecedential.

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

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**FRANK E. FISHER,**  
*Plaintiff-Appellant,*

v.

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

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2008-5094

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Appeal from the United States Court of Federal  
Claims. 00-CV-740, Senior Judge Eric G. Bruggink.

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**JUDGMENT**

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CHARLES D. SWIFT, Swift & McDonald, P.S., of Seattle,  
Washington, argued for plaintiff-appellant.

DOUGLAS K. MICKLE, Senior Trial Counsel,  
Commercial Litigation Branch, Civil Division, United  
States Department of Justice, of Washington, DC, argued  
for defendant-appellee. With him on the brief were TONY  
WEST, Assistant Attorney General, JEANNE E. DAVIDSON,  
Director, and BRYANT G. SNEE, Deputy Director. Of  
counsel on the brief was DAVID F. BRASH, Air Force Legal  
Operations Agency, United States Department of the Air  
Force, of Arlington, Virginia. Of counsel was JASON S.  
OSBORNE.

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THIS CAUSE having been heard and considered, it is  
ORDERED and ADJUDGED:

PER CURIAM (GAJARSA, MAYER, and Moore, *Circuit  
Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

October 14, 2010  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk