

NOTE: This order is nonprecedential.

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

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**ERIC FLORES,**  
*Plaintiff-Petitioner*

**CYNTHIA LORENZA FLORES, JAVIER VENSOR  
FLORES, ANDY FLORES, STEVEN FLORES,  
MICHAEL RENE FLORES, EVANGELINA SALAS  
MENDOZA, JORGE SALAS,**  
*Plaintiffs*

**v.**

**UNITED STATES,**  
*Defendant-Respondent*

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2023-106

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On Petition for Permission to Appeal pursuant to 28 U.S.C. Section 1292(d)(2) from the United States Court of Federal Claims in Nos. 1:11-cv-00110-GWM and 1:11-cv-00127-GWM, Judge George W. Miller.

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**ON PETITION AND MOTION**

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PER CURIAM.

**O R D E R**

On November 29, 2022, this court received Eric Flores's "petition for permission to appeal," ECF No. 2 at 1, seeking to challenge the November 22, 2022, order of the United States Court of Federal Claims denying his motion under Rule 60(d)(3) of the Rules of the United States Court of Federal Claims to set aside that court's April 8, 2011, judgment dismissing his case. The court docketed his petition as a petition for permission to appeal an interlocutory order under 28 U.S.C. § 1292(d)(2). The United States moves to dismiss.

No appeal here can be brought under section 1292(d), because the Court of Federal Claims' order was never certified. The court notes, however, that on November 30, 2022, Mr. Flores separately filed "an appeal from a judgment entered by the United States Court of Federal Claims," which was docketed here as Appeal No. 2023-1243. To the extent there is any question with regard to whether Mr. Flores has given timely notice of his intention to seek review of the trial court's November 22, 2022, order, the court directs the Clerk of this court to docket Mr. Flores's petition as continuation pages to his notice of appeal in Appeal No. 2023-1243. Any requests by the parties for relief in this case or arguments over the court's jurisdiction should now be made by the parties in Appeal No. 2023-1243.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted.
- (2) The Clerk of Court is directed to docket the petition as continuation pages to the notice of appeal in Appeal No. 2023-1243.
- (3) All other pending motions are denied.

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(4) Each side shall bear its own costs.

FOR THE COURT

March 1, 2023  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court