

NOTE: This order is nonprecedential.

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

MELVIN JOSEPH SIMMONS,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2023-1468

Appeal from the United States Court of Federal Claims
in No. 1:21-cv-02271-EHM, Judge Edward H. Meyers.

ORDER

The appellant having failed to pay the docketing fee required by Federal Circuit Rule 52(a)(1) and to file the brief required by Federal Circuit Rule 31(a) within the time permitted, it is

ORDERED that the notice of appeal be, and the same hereby is, DISMISSED, for failure to prosecute in accordance with the rules.

FOR THE COURT

May 9, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

ISSUED AS A MANDATE: May 9, 2023