

NOTE: This order is nonprecedential.

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

TOP LEVEL CONSTRUCTION COMPANY,
Appellant

v.

DEPARTMENT OF STATE,
Appellee

2026-1768

Appeal from the Civilian Board of Contract Appeals in
No. 8301, Administrative Judge Harold D. Lester, Jr., Ad-
ministrative Judge Jonathan L. Kang, and Administrative
Judge Kathleen J. O'Rourke.

Before TARANTO, CHEN, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Following this court's June 4, 2026 order directing the parties to address whether this appeal should be dismissed based on Top Level Construction Company's failure to retain counsel, the Department of State urges dismissal while Khaybar Ziarmal, the president of Top Level, urges the court to assert jurisdiction. We dismiss.

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“A corporation, partnership, organization, or other legal entity must be represented by counsel before this court.” Fed. Cir. R. 47.3(a); *see Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201–02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.”); 28 U.S.C. § 1654. And “[t]his requirement may not be waived.” *Min. Hill Venture v. Norton*, 31 F. App’x 675, 676 (Fed. Cir. 2002); *see Algonac Mfg. Co. v. United States*, 458 F.2d 1373, 1375 (Ct. Cl. 1972). Here, Mr. Ziarmal seeks to pursue an appeal on his company’s behalf, but he does not appear to be an attorney and no attorney has entered an appearance on behalf of Top Level. Thus, while this court may have jurisdiction, Top Level may not maintain this appeal without legal representation.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each party shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

July 27, 2026
Date