

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-5027

YANKTON SIOUX TRIBE,

Plaintiffs-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 05-CV-1291,  
Judge Lawrence J. Block.

ON MOTION

Before LOURIE, Circuit Judge.

## ORDER

The United States moves without opposition to stay the briefing schedule in this appeal pending the possible filing of a petition for writ of certiorari related to Tohono O'odham v. United States, 559 F.3d 1289 (Fed. Cir. 2009).

The briefing schedule was previously stayed in this case pending this court's disposition of Tohono O'odham.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is granted in part. The United States is directed to inform this court whether or not a petition for writ of certiorari is filed in the related case within 14 days of the expiration of the time for filing such a petition, and the United States should also

indicate how it believes that this appeal should proceed. Yankton Sioux Tribe may also respond within that time.

FOR THE COURT

**NOV 13 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Stuart S. Mermelstein, Esq.  
Aaron P. Avila, Esq.

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

NOV 13 2009

JAN HORBALY  
CLERK