

NOTE: This disposition is nonprecedential.

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

STEPHEN W. GINGERY,
Petitioner,

v.

DEPARTMENT OF THE TREASURY,
Respondent.

2010-3123

Appeal from the Merit Systems Protection Board in
No. CH3330080673-I-2.

JUDGMENT

RICHARD S.J. HUNG, Morrison & Foerster, LLP, of San Francisco, California, argued for petitioner. On the brief was HENRY C. SU, Howrey LLP, of East Palo Alto, California. Of counsel was CHRISTOPHER F. JEU.

DAWN E. GOODMAN, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and KIRK MANHARDT, Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, LINN and O'MALLEY, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

April 12, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk