

NOTE: This disposition is nonprecedential.

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

HORIZON LINES, LLC,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellant.

2012-1163

Appeal from the United States Court of International
Trade in No. 08-CV-0009, Judge Evan J. Wallach.

JUDGMENT

DEAN A. BARCLAY, William Mullen, PC, of
Washington, DC, argued for plaintiff-appellee. With him
on the brief were EVELYN M. SUAREZ, GEORGE H. BOWLES
and J. FORBES THOMPSON. Of counsel was ROBERT S.
ZUCKERMAN, Horizon Line, LLC, of Charlotte, North
Carolina.

JASON M. KENNER, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of New York, New York, argued

for defendant-appellant. With him on the brief were BARBARA S. WILLIAMS, Attorney in Charge, International Trade Field Office, STUART DELERY, Acting Assistant Attorney General, JEANNE E. DAVIDSON, Director, and EDWARD F. KENNY, Trial Attorney, of Washington, DC. Of counsel on the brief was PAULA SMITH, Trial Attorney, Office of the Assistant Chief Counsel, International Trade Litigation, United States Customs and Border Protection, of Washington, DC.

EVELYN M. SUAREZ, William Mullen, PC, of Washington, DC, for amicus curiae. With her on the brief were GEORGE H. BOWLES, DEAN A. BARCLAY and J. FORBES THOMPSON.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, MOORE, and O'MALLEY, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

November 9, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk