

NOTE: This order is nonprecedential.

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

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**CHRISTOPHER J. MCNAUGHTON,**  
*Plaintiff-Appellant,*

AND

**JUDITH I. MCNAUGHTON,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2013-5126

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Appeal from the United States Court of Federal  
Claims in No. 13-CV-0288, Judge Nancy B. Firestone.

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Before NEWMAN, PROST, and REYNA, *Circuit Judges.*

PER CURIAM.

**O R D E R**

Christopher J. McNaughton and Judith I. McNaughton's ("McNaughtons") seek review of a United States Court of Federal Claims ("CFC") order granting the United States an extension of time file its answer. We

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consider whether the McNaughtons' appeal must be dismissed for lack of jurisdiction.

This court ordinarily only has jurisdiction over appeals from "final decision[s]" of the CFC, i.e., ones that "end[] the litigation on the merits and leaves nothing for the court to do but execute the judgment." *Firestone Tire & Rubber Co. v. Risjord*, 449 U.S. 368, 373 (1981) (citation omitted); 28 U.S.C. § 1295(a)(3) ("The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction . . . of an appeal from a final decision of the United States Court of Federal Claims."). The CFC's order granting an extension of time to the United States is not a final order or final decision that can be appealed to this court at this time. Because we do not have subject matter jurisdiction to hear this appeal, we must dismiss.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court

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