

NOTE: This disposition is nonprecedential.

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

HAROLD C. MARCHENA,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2017-1476

Appeal from the United States Court of Federal Claims in No. 1:16-cv-00076-TCW, Judge Thomas C. Wheeler.

JUDGMENT

KENNETH FOARD MCCALLION, McCallion & Associates LLP, New York, NY, argued for plaintiff-appellant.

ANTHONY F. SCHIAVETTI, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for defendant-appellee. Also represented by CHAD A. READLER, ROBERT E. KIRSCHMAN, JR., STEVEN J. GILLINGHAM.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, WALLACH and HUGHES, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

November 14, 2017

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court