

# In the United States Court of Federal Claims

No. 14-690

Filed: August 4, 2020

NATHAN SOMMERS,

*Plaintiff,*

v.

UNITED STATES,

*Defendant.*

## ORDER

For the reasons provided in the memorandum opinion, filed concurrently with this order, the defendant's motion to dismiss for failure to state a claim under Rule 12(b)(6) of the Rules of the Court of Federal Claims is **GRANTED**. The parties' cross-motions for judgment on the administrative record are **DENIED AS MOOT**.

The plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

The Clerk is directed to enter judgment accordingly.

Each party shall bear its own costs.

It is so **ORDERED**.

s/ Richard A. Hertling

Richard A. Hertling

Judge