

NOTE: This disposition is nonprecedential.

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

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**HAROLD C. MARCHENA,**  
*Plaintiff-Appellant*

v.

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

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2017-1476

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

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**JUDGMENT**

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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.

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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