

NOTE: This order is nonprecedential.

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

---

**CAROLINA POWER & LIGHT COMPANY,  
AND FLORIDA POWER CORPORATION,**  
*Plaintiff-Appellee,*

v.

**UNITED STATES,**  
*Defendant-Appellant.*

---

2011-5121

---

Appeal from the United States Court of Federal  
Claims in case no. 04-CV-037, Judge Thomas C. Wheeler.

---

**ON MOTION**

---

**O R D E R**

The United States moves without opposition to dis-  
miss its appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

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

FOR THE COURT

SEP 12 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Arnold B. Fagg, Esq.  
Daniel Rabinowitz, Esq.

s21

Issued As A Mandate: SEP 12 2011

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

SEP 12 2011

JAN HORBALY  
CLERK