

NOTE: This order is nonprecedential.

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

**BRYNDON FISHER, BRUCE REID, ERICK
SHIPMON,**
Plaintiffs-Petitioners

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
Plaintiff

v.

UNITED STATES,
Defendant-Respondent

2020-138, -139

On Petitions for Permission to Appeal pursuant to 28 U.S.C. Section 1292(d)(2) from the United States Court of Federal Claims in Nos. 1:13-cv-00608-MMS and 1:14-cv-00152-MMS, Chief Judge Margaret M. Sweeney.

ON PETITION

Before O'MALLEY, BRYSON, and TARANTO, *Circuit Judges*.

BRYSON, *Circuit Judge*.

ORDER

Bryndon Fisher, Bruce Reid, and Erick Shipmon petition for permission to appeal pursuant to 28 U.S.C. § 1292(d)(2) from the interlocutory order certified by the United States Court of Federal Claims. The United States opposes the petitions.

Under the express language of § 1292(d)(2), this court has “discretion” whether to “permit an appeal” under the provision. *See Digit. Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 883 n.9 (1994) (noting “broad” discretion under the similar provision of 28 U.S.C. § 1292(b) for interlocutory appeals from United States district courts). Having considered the matter, we decline to permit interlocutory review here.

Accordingly,

IT IS ORDERED THAT:

The petitions for permission to appeal are denied without prejudice to seeking leave to participate in *Fairholme Funds, Inc. v. United States*, Nos. 2020-1912, -1914, as *amici*.

FOR THE COURT

August 21, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court