



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITHOUT PREJUDICE: January 31, 2014

CBCA 3694-C(2235)

RUSSELL SAND & GRAVEL COMPANY, INC.,

Applicant,

v.

INTERNATIONAL BOUNDARY AND WATER COMMISSION,

Respondent.

Mickey Beisman of Law Offices of Mickey Beisman, Albuquerque, NM, counsel for Applicant.

Luisa M. Alvarez, Office of the Legal Advisor, United States Section, International Boundary and Water Commission, El Paso, TX, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Russell Sand & Gravel Company, Inc. filed an application for fees and other expenses allegedly incurred in prosecuting a case which was decided by this Board, *Russell Sand & Gravel Co. v. International Boundary & Water Commission*, CBCA 2235, 13 BCA ¶ 35,455. In response to an order to show cause why the case should not be dismissed as prematurely filed, the applicant has withdrawn the application.

Accordingly, the case is **DISMISSED WITHOUT PREJUDICE** to its reinstatement at a time permitted by the Equal Access to Justice Act, 5 U.S.C. § 504 (2012).

STEPHEN M. DANIELS
Board Judge