



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED AS MOOT: April 21, 2014

CBCA 2652-R, 2845-R

SUMMIT COMMERCE POINTE, LLC,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Brett S. Wacker, Richard Sandquist, and Andrew M. Mast of Clark Hill PLC, Washington, DC, counsel for Appellant.

Leslie M. Busch, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **STERN**, **HYATT**, and **SHERIDAN**.

STERN, Board Judge.

On August 22, 2013, Summit Commerce Pointe, LLC (appellant) filed a motion for reconsideration of the Board's order of July 23, 2013, dismissing the appeal for lack of jurisdiction. Prior to the Board deciding the motion, appellant filed a petition for review of the order with the United States Court of Appeals for the Federal Circuit (Court of Appeals). On November 25, 2013, the Board issued an order stating that as a result of appellant's petition the Board would not render a decision on the motion for reconsideration unless requested or directed to do so by the Court of Appeals.

On March 10, 2014, the Court of Appeals dismissed the appeal for failure to prosecute and failure to comply with an order issued by the Court. A dismissal for failure to prosecute operates as an adjudication on the merits, unless stated otherwise. *See* Fed. R. Civ. P. 41(b). The Board's order of July 23, 2013, is final.

Decision

The motion for reconsideration is **DISMISSED AS MOOT**.

JAMES L. STERN
Board Judge

We concur:

CATHERINE B. HYATT
Board Judge

PATRICIA J. SHERIDAN
Board Judge