

# Appendix B

NOTE: This order is nonprecedential.

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

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**ROY LYNN MCCUTCHEN, PADUCAH SHOOTER'S  
SUPPLY, INC., INDIVIDUALLY AND ON BEHALF  
OF ALL OTHERS SIMILARLY SITUATED,**  
*Plaintiffs-Appellants*

v.

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

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2020-1188

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Appeal from the United States Court of Federal Claims  
in No. 1:18-cv-01965-EDK, Judge Elaine Kaplan.

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**ON PETITION FOR REHEARING EN BANC**

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Before MOORE, *Chief Judge*, NEWMAN, LOURIE, DYK,  
PROST, O'MALLEY, REYNA, WALLACH<sup>1</sup>, TARANTO, CHEN,  
HUGHES, STOLL, and CUNNINGHAM, *Circuit Judges*.

PER CURIAM.

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<sup>1</sup> Circuit Judge Wallach participated only in the decision on the petition for panel rehearing.

**O R D E R**

Roy Lynn McCutchen and Paducah Shooter's Supply, Inc. filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by the United States. The petition was first referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on February 9, 2022.

FOR THE COURT

February 2, 2022  
Date

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