

NOTE: Pursuant to Fed. Cir. R. 47.6, this order is not citable as precedent. It is a public order.

## United States Court of Appeals for the Federal Circuit

02-1286

Tommy G. Thompson,  
SECRETARY OF HEALTH AND HUMAN SERVICES,

Appellant,

v.

CHEROKEE NATION OF OKLAHOMA,

Appellee.

Before CLEVINGER, SCHALL and DYK, Circuit Judges.

CLEVINGER, Circuit Judge.

### ORDER

The court has determined that the Secretary's brief is not responsive to the court's request for supplemental briefing. Therefore

IT IS ORDERED THAT:

The Secretary shall submit, by close of business May 12, 2003, a revised supplemental brief directly addressing the amount of funds available during each of the fiscal years 1994, 1995, and 1996 (over and above the amounts not expended by the end of the fiscal year) that were not obligated to other tribes or otherwise restricted and

