

In the United States Court of Federal Claims

No. 15-430C

(Filed April 30, 2015)

NOT FOR PUBLICATION

* * * * *

FCI FEDERAL, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant,

and

PAE PROFESSIONAL SERVICES, INC.,

Defendant-intervenor.

* * * * *

ORDER

As discussed at today’s status conference, defendant’s motion to dismiss the complaint as moot, which was unopposed by plaintiff and defendant-intervenor, is **GRANTED**. In this matter, plaintiff was protesting the decision by the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) not to impose an “automatic stay” under the Competition in Contracting Act (CICA), 31 U.S.C. § 3553(d)(3)(A), after plaintiff filed with the Government Accountability Office (GAO) a protest of a contract award. The agency reasoned that although plaintiff’s previous GAO protest had been sustained, the ensuing corrective action did not result in the award being displaced, and thus the time period qualifying a protest for the CICA stay ran from the original award date. *See* Compl. Ex. 3; *but see Supreme Foodservice GmbH v. United States*, 109 Fed. Cl. 369, 383 (2013). After the complaint was filed, however, USCIS has issued a stop-work order under 48 C.F.R. § 52.233-3 and has warranted that the stop-work order

will remain in effect until GAO issues a decision in the pending protest. *See* Def.'s Mot. to Dismiss at 1. Accordingly, this case is moot. *See Technical Innovation, Inc. v. United States*, 93 Fed. Cl. 276 (2010).

The Clerk is directed to close the case. Because of the dismissal, all pending motions are **DENIED** as moot, and the Clerk is directed to **STRIKE** the declarations --- ECF Nos. 15-2, 15-3, 15-4, and 15-5 --- that plaintiff had filed under seal.

IT IS SO ORDERED.

s/ Victor J. Wolski _____
VICTOR J. WOLSKI
Judge