

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 14, 2011

---

No. 10-30970  
Summary Calendar

---

Lyle W. Cayce  
Clerk

BEV ORR,

Plaintiff–Appellant

v.

DEPARTMENT OF THE ARMY,

Defendant–Appellee

---

Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:09-cv-06273

---

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:\*

Appellant Bev Orr appeals from the judgment of the district court dismissing her claim for want of jurisdiction based on sovereign immunity. In the court below Orr brought inconsistent claims. Orr sought a copy of an agreement allegedly entered into 20 years ago when she had worked as a pharmacist in the United States Army. Orr also claimed that such an agreement did not exist but that the district court should order the Army to

---

\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 10-30970

enter into an agreement to negotiate a contract to provide her transportation costs for an alleged relocation that occurred 20 years ago.

Orr cites no authority that would allow the district court to entertain her suit against the United States for a contract that does not exist. Even assuming such a 20-year old contract exists that requires payment for her transportation costs, a claim against the United States is barred if not timely brought within six years of its accrual. *See* 28 U.S.C. § 2401(a).

The judgment of dismissal is AFFIRMED. Orr's motion to strike portions of the Appellee's brief is DENIED.