

06-1164 JOHN R. SAND & GRAVEL CO. V. UNITED STATES

DECISION BELOW:457 F.3d 1345

LOWER COURT CASE NUMBER: 05-5033

QUESTIONS PRESENTED:

The statute of limitations in the Tucker Act, 28 U.S.C. §2501, provides: "Every claim of which the United States Court of Federal Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues."

The questions presented are:

1. Whether the statute of limitations in the Tucker Act limits the subject matter jurisdiction of the Court of Federal Claims.
2. Whether a claim for a permanent physical taking of a portion of real property first accrues upon the government's temporary exclusion of the property holder from another portion of the property.

CERT. GRANTED 5/29/2007

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION