

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-7031

CHARLES E. BLACKWELL,

Claimant-Appellant,

v.

R. JAMES NICHOLSON,
Secretary of Veterans Affairs,

Respondent-Appellee.

ON MOTION

Before RADER, Circuit Judge.

ORDER

Charles E. Blackwell moves without opposition to stay proceedings in this appeal pending the court's disposition of Harms v. Nicholson, 2007-7005.

Blackwell asserts that both this case and Harms involve the issue of whether an appeal to the United States Court of Appeals for Veterans Claims from a denial of a motion to vacate is timely if filed within 120 days of the date of the decision denying the motion.

We conclude that a stay is warranted and authorize the clerk of the court to grant similar unopposed motions.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to stay is granted. Blackwell is directed to inform this court within 14 days of the court's disposition of Harms how he believes this appeal should proceed. The Secretary of Veterans Affairs may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear Harms.

(3) The clerk of the court is authorized to grant similar unopposed motions in the future.

February 15, 2007

Date

/s/ Randall R. Rader

Randall R. Rader
Circuit Judge

cc: Kenneth M. Carpenter, Esq.
Claudia Burke, Esq.

s17