

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

IN RE GENE S. GROVES,
Petitioner.

Miscellaneous Docket No. 993

On Petition for Writ of Mandamus to the United States Court of Appeals for Veterans Claims in case no. 06-1652, Judge William P. Greene, Jr.

ON PETITION FOR WRIT OF MANDAMUS

Before LOURIE, MOORE, and REYNA, *Circuit Judges.*

PER CURIAM.

O R D E R

Gene S. Groves petitions for a writ of mandamus to direct the United States Court of Appeals for Veterans Claims ("Veterans Court") to rule on his motion for reconsideration.

Groves had appealed a Veterans Court determination that there was no clear and unmistakable error in a September 1972 regional office decision, among other

things. The Secretary of Veterans Affairs ("Secretary") filed a motion to remand, arguing that Groves's appeal was premature, because the Veterans Court had failed to rule on Groves's motion for reconsideration. We granted the Secretary's motion, stating:

We anticipate that the Court of Appeals for Veterans Claims will promptly rule on the pending motion and enter judgment when appropriate. When judgment is entered by that court, Groves may again appeal to seek review of any issue within this court's jurisdiction for which there is a final adverse decision.

After waiting eight months following our order, Groves filed a petition for a writ of mandamus compelling the Veterans Court to follow our "direction" to "promptly rule on the pending motion and enter judgment."

On July 26, 2011, the Veterans Court denied Groves's motion for reconsideration. Groves asked that the Veterans Court issue a decision, and it now has. Accordingly, mandamus relief is not proper. As stated in our previous order, Groves's other arguments concerning the Veterans Court's action can be raised by appeal from the now-final Veterans Court decision.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for a writ of mandamus is denied.
- (2) All pending motions are moot.

FOR THE COURT

SEP 07 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Gene S. Groves
Jeanne E. Davidson, Esq.
Clerk, United States Court of Appeals for Veterans
Claims

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 07 2011

JAN HORBALY
CLERK