

NOTE: This order is nonprecedential.

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

SAMUEL M. JAMES,
Claimant-Appellant,

v.

ERIC K. SHINSEKI,
SECRETARY OF VETERANS AFFAIRS,
Respondent-Appellee.

2012-7129

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 11-2539, Judge Alan G.
Lance, Sr.

ON MOTION

O R D E R

Upon review of the duplicate documents submitted by Samuel M. James, the court determines that the two documents should not have been filed as different entries. The Secretary moves for an extension of time to file his brief.

James filed a document entitled "Appellant Appeal for a Writ," which was filed by the court as a motion within

this appeal. A few days later the court received another copy of that document from James, and the court treated that as his brief. The court rejected the brief for failure to use the official court form (enclosed).

It appears that James is attempting to make arguments concerning the merits of his case, and such arguments should be in a brief. The filing of the other copy of that document as a motion was unnecessary, and the motion is denied.

Accordingly,

IT IS ORDERED THAT:

(1) The document treated as a motion, i.e., "Appellant Appeal for a Writ," is denied because such arguments should be made in the appellant's brief.

(2) The Secretary's motions are granted. The Secretary's brief is due within 21 days of the date of filing of this order.

FOR THE COURT

AUG 28 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Samuel M. James
Corinne A. Niosi, Esq.

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

AUG 28 2012

JAN HORBALY
CLERK