

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

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**FRANK MORENO, JR.,**  
*Claimant-Appellant,*

v.

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

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2012-7170

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Appeal from the United States Court of Appeals for Veterans Claims in case no. 10-1314, Judge Ronald M. Holdaway.

**O R D E R**

The United States Court of Appeals for Veterans Claims (“Veterans Court”) received Frank Moreno, Jr.’s notice of appeal on August 6, 2012. Judgment was entered by the Veterans Court on April 24, 2012. As such, a total of 104 days had elapsed between judgment and receipt of the appeal.

Section 7292(a), Title 38, United States Code requires that a notice of appeal of the decision of the Veterans Court be filed within 60 days after that court’s entry of judgment or order. Thus, it appears that this appeal is untimely and must be dismissed.

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IT IS ORDERED THAT:

(1) Mr. Moreno is directed to show cause, within 30 days of the date of filing of this order, as to why his appeal should not be dismissed as untimely. The Secretary may also respond by that date.

(2) The briefing schedule is stayed.

FOR THE COURT

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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