

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-7148

NELSON T. BROOKINS,

Claimant-Appellant,

v.

ERIC K. SHINSEKI,  
Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
06-2030, Judge Ronald M. Holdaway.

Before LINN, Circuit Judge.

### ORDER

The court considers whether to accept Nelson T. Brookins' informal brief, received on October 23, 2008, for filing.

Brookins' informal brief was rejected because it was untimely, he did not indicate he served it on the Secretary for Veterans Affairs, the required number of copies was submitted, and the decision of the United States Court of Appeals for Veterans Claims was not attached. Subsequently, Brookins indicated that he was attempting to retain counsel, and on January 15, 2009, the court permitted Brookins 60 days to retain counsel. Counsel for Brookins did not enter an appearance within that time, and the court lifted the stay of briefing. The Secretary served his brief, in response to Brookins' October 23 brief, on April 2, 2009. A copy of the decision of the Court of Appeals for Veterans Claims is attached to the Secretary's brief.

The court determines that under these circumstances, Brookins' October 23 brief may be filed.

Accordingly,

IT IS ORDERED THAT:

- (1) Brookins' October 23 brief is accepted for filing.
- (2) Brookins may, if he wishes, file a reply brief within 14 days of the date of filing of this order.

FOR THE COURT

**APR 13 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

cc: Nelson T. Brookins  
Elizabeth Speck, Esq.

**APR 13 2009**

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JAN HORBALY  
CLERK