

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3189

GABRIEL COSME,

Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Petition for review of the Merit Systems Protection Board in
NY0752090012-I-1.

ON MOTION

Before RADER, Circuit Judge.

ORDER

Gabriel Cosme moves for an extension of time to file his brief. The Department of Veterans Affairs moves for a 33-day extension of time, until November 17, 2009, to file its brief.

On July 31, 2009, the court granted Cosme's motion for an extension of time to file his brief but indicated that no further extensions would be granted. Counsel for Cosme asserts that "our mother in law passed on August 28, 2009 after a long bout with cancer and we have not been able to attend pending matters in our office." The court notes that Cosme served his brief on September 2, 2009, two days late. Under these circumstances, the court grants Cosme's motion.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are granted.

(2) The motion for reconsideration is granted, the mandate is recalled, and the petition is reinstated.

FOR THE COURT

NOV 03 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Elaine Rodriguez-Frank, Esq.
Jane W. Vanneman, Esq.

s17

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

NOV 03 2009

JAN HORBALY
CLERK