

NOTE: This order is nonprecedential.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 MAYER, Circuit Judge.

ORDER

Gabriel Cosme moves for reconsideration of the court's June 16, 2009 order dismissing his petition for review for failure to file a Fed. Cir. R. 15(c) statement concerning discrimination and moves for an extension of time to file his brief.

Cosme has now submitted a statement concerning discrimination. Although Cosme did not use the court's form and did not provide all of the information required by Rule 15(c), the court notes that Cosme's case before the Merit Systems Protection Board did not involve discrimination. Thus, the court accepts the statement.

Cosme's motion for an extension of time does not comply with the court's rules. It does not contain a statement whether the respondent consents or opposes as required by Fed. Cir. R. 27(a)(5) and does not indicate why the extension is needed as

required by Fed. Cir. R. 27(a)(4). Counsel is cautioned that future motions not in compliance with the court's rules may be denied on that basis.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion for an extension of time is granted.
- (2) The motion for reconsideration will be granted, the mandate will be recalled, and the petition will be reinstated if Cosme files his brief within 30 days of the date of filing of this order. No further extensions will be granted.

FOR THE COURT

JUL 31 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

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

JUL 31 2009

JAN HORBALY
CLERK