

NOTE: This order is nonprecedential

# United States Court of Appeals for the Federal Circuit

2009-7024

EUGENE CHARLES,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
06-0020, Judge Alan G. Lance, Sr.

ON MOTION

Before LINN, Circuit Judge.

## ORDER

The Secretary of Veterans Affairs moves to stay proceedings in this appeal pending the court's disposition in Edwards v. Shinseki, 2008-7078. Eugene Charles opposes. The Secretary replies.

The Secretary asserts that this case and Edwards involve the issue whether a non-jurisdictional regulatory or statutory deadline may be equitably tolled as a result of a claimant's mental incapacity.

We note that oral argument in Edwards was held on February 3, 2009.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay is denied. The Secretary's brief is due within 21 days from the date of filing of this order.

(2) The revised official caption is reflected above.

FOR THE COURT

**APR 22 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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

cc: John F. Cameron, Jr., Esq.  
Tara J. Kilfoyle, Esq.

**APR 22 2009**

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**JAN HORBALY**  
**CLERK**