

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-7042

DONALD E. ODELL,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
06-2341, Judge Bruce E. Kasold.

Before DYK, Circuit Judge.

### ORDER

Upon review of this recently docketed appeal, it appears that Donald E. Odell's appeal was not timely filed.

On July 15, 2008, the United States Court of Appeals for Veterans Claims entered judgment in Odell's case. The court received Odell's notice of appeal on September 16, 2008.

To be timely, a notice of appeal must be received by the Court of Appeals for Veterans Claims within 60 days of the entry of judgment, or by September 15, 2008. See 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1).

Accordingly,

IT IS ORDERED THAT:

(1) Odell is directed to show cause, within 14 days of the date of filing of this order why his appeal should not be dismissed as untimely. The Secretary of Veterans

Affairs may also respond within that time.

(2) The briefing schedule is stayed.

FOR THE COURT

**FEB 24 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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

**FEB 24 2009**

**JAN HORBALY**  
**CLERK**

cc: Donald E. Odell  
Antonia R. Soares, Esq.

s19