

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-7048

ALLAN G. HALSETH,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in 05-3646, Judge Robert N. Davis.

ON MOTION

Before MOORE, Circuit Judge.

ORDER

Allan G. Halseth moves without opposition to stay the briefing schedule in this appeal pending disposition of Henderson v. Shinseki, 2009-7006.

Halseth states that this appeal and Henderson involve a similar issue, i.e., whether the United States Court of Appeals for Veterans Claims has the authority to equitably toll the time in which an appellant may appeal a Board of Veterans' Appeals decision. Halseth states that the court's decision in Henderson will likely control the outcome of this appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay the briefing schedule is granted. Halseth is directed to notify this court within 14 days of the issuance of the mandate in Henderson, concerning

how he believes this appeal should proceed. The Secretary may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panels assigned to Henderson, to inform that panel of this related appeal.

FOR THE COURT

MAR 18 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Martin v. Totaro, Esq.
Jane W. Vanneman, Esq.

MAR 18 2009

s20

**JAN HORBALY
CLERK**