

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-7053

JOHN TARKOWSKI,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
06-2070, Chief Judge William P. Greene, Jr.

Before MOORE, Circuit Judge.

### ORDER

Upon review of this recently docketed appeal, it appears that John Tarkowski's appeal was not timely filed.

On September 5, 2008, the United States Court of Appeals for Veterans Claims entered judgment in Tarkowski's case. On December 3, 2008, Tarkowski filed a notice of appeal with the United States Court of Appeals for the Seventh Circuit. The appeal was subsequently transferred to this court.

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. See 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). Even if we treat Tarkowski's appeal as having been filed with the Court of Appeals for Veterans Claims on December 3, it appears that his appeal was untimely.

Accordingly,

IT IS ORDERED THAT:

(1) Tarkowski 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

**MAR 18 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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

**MAR 18 2009**

**JAN HORBALY**  
**CLERK**

cc: John Tarkowski  
Cameron Cohick, Esq.

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