

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-7054

WILLIAM G. WILCOX,

Claimant-Appellant,

v.

ERIC K. SHINSEKI,  
Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
07-1874, Judge Donald L. Ivers.

ON MOTION

Before MOORE, Circuit Judge.

### ORDER

William G. Wilcox moves for leave to file his second amended brief and to correct, modify and supplement the record on appeal. The Secretary of Veterans Affairs opposes. Wilcox replies.

Wilcox seeks to supplement the record with an affidavit from Wilcox dated July 29, 2009, a document purported to be a copy of Wilcox's DD-214, a copy of 38 U.S.C. § 1151, and two articles. The Secretary does not object to the inclusion of 38 U.S.C. § 1151 in the appendix, but argues that with respect to the other items Wilcox has not shown why he failed to supplement the record before the United States Court of Appeals for Veterans Claims. Wilcox responds that the DD-214 was "hidden from Appellant until . . . March of 2005." The court notes that this pre-dates the decision of

the Court of Appeals for Veterans Claims and Wilcox does not explain why he did not submit the DD-214 to that court. Under these circumstances, Wilcox has not shown that correction, modification, or supplementation of the record is warranted. Wilcox may, however, include statutes, rules, or regulations in an addendum to his brief. Fed. R. App. P. 28(f).

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is denied.
- (2) Wilcox is directed to file a replacement brief within 30 days of the date of filing of this order. The replacement brief must not cite any documents that are not part of the record on appeal.
- (3) The Secretary should calculate the due date for his brief from the date of service of Wilcox's replacement brief.

FOR THE COURT

FEB 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Albert Wilson Luce Moore, Jr., Esq.  
Ellen M. Lynch, Esq.

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

FEB 26 2010

JAN HORBALY  
CLERK