

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-7094

GRADY A. CLAYTON,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in
07-1728, Judge Ronald M. Holdaway.

ON MOTION

Before MAYER, Circuit Judge.

ORDER

The Secretary of Veterans Affairs moves to stay proceedings in this appeal pending the court's en banc disposition in Henderson v. Shinseki, 2009-7006.

The Secretary asserts that this case and Henderson involve the issue whether 38 U.S.C. § 7266 is subject to equitable tolling.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion to stay is granted. The Secretary is directed to inform the court within 30 days of the disposition of Henderson concerning how he believes this appeal should proceed. Grady A. Clayton may also respond within that time.

FOR THE COURT

JUL 30 2009

Date

cc: Grady A. Clayton
Kent C. Kiffner, Esq.
s19

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

JUL 30 2009

JAN HORBALY
CLERK