

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-7137

KEITH AKINS,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims  
in 08-3817, Judge Ronald M. Holdaway.

Before GAJARSA, Circuit Judge.

### ORDER

Upon review of this recently docketed appeal, the court considers whether Keith Akins should be directed to show cause why his appeal should not be dismissed as untimely filed.

The United States Court of Appeals for Veterans Claims entered judgment in this case on May 13, 2009. The docket sheet of the Court of Appeals for Veterans Claims indicates that that court received Akins' notice of appeal on August 13, 2009, or 92 days after entry of judgment.

Any appeal of the judgment had to be received by the Court of Appeals for Veterans Claims within 60 days of the date of entry of judgment. 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). If the notice of appeal was untimely filed, we do not have jurisdiction and this appeal must be dismissed. See Bowles v. Russell, 551 U.S. 205 (2007) (the timely filing of a notice of appeal in a civil case is a

jurisdictional requirement); Sofarelli Assoc., Inc. v. United States, 716 F.2d 1395 (Fed. Cir. 1983).

Accordingly,

IT IS ORDERED THAT:

(1) Akins is directed to show cause, within 21 days of the date of filing of this order, why his appeal should not be dismissed as untimely filed.

(2) The briefing schedule is stayed.

FOR THE COURT

**SEP 30 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

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Jan Horbaly  
Clerk

cc: Keith Akins  
Richard P. Schroeder, Esq.

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

SEP 30 2009

JAN HORBALY  
CLERK