

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-7035

MICHAEL ALEXANDER,

Claimant-Appellant,

v.

ERIC K. SHINSEKI., Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims
in case no. 08-2482, Judge Ronald M. Holdaway.

ON MOTION

Before LINN, Circuit Judge.

ORDER

The Secretary of Veterans Affairs moves to affirm the judgment of the United States Court of Appeals for Veterans Claims in light of this court's en banc decision in Henderson v. Shinseki, 589 F.3d 1201 (Fed. Cir. 2009). Michael Alexander opposes and moves for an extension of time to file his opposition to the Secretary's motion. The Secretary replies.

The court deems it appropriate to continue the stay of proceedings in this case until the Supreme Court's final disposition of Henderson.

Accordingly,

IT IS ORDERED THAT:

(1) The Secretary's motion to summarily affirm is denied without prejudice to renewal.

(2) The briefing schedule is stayed, pending the Supreme Court's final disposition of Henderson. The parties are directed to inform this court, within 14 days of the Supreme Court's final disposition of Henderson, concerning how they believe that this appeal should proceed.

(3) Alexander's motion for an extension of time is granted.

FOR THE COURT

MAR 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Christopher R. Liro, Esq.
Shelly D. Weger, Esq.

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

MAR 26 2010

JAN HORBALY
CLERK