

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-7043

LELAND A. HARGROVE,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeals from the United States Court of Appeals for Veterans Claims in
09-2657, Judge Mary J. Schoelen.

ON MOTION

Before BRYSON, Circuit Judge.

ORDER

Leland A. Hargrove moves to submit evidence not in the record before the United States Court of Appeals for Veterans Claims. The Secretary of Veterans Affairs opposes.

Rule 10(a) of the Federal Rules of Appellate Procedure provides that the record on appeal is generally limited to the original papers and exhibits filed in the lower court. See also Wegner Mfg., Inc. v. Coating Mach. Sys., Inc., 239 F.3d 1225, 1236 n. 2 (Fed. Cir. 2001) (refusing to consider a reference that was not evidence before the trial court and not part of the record on appeal). Although the Rules of Evidence authorize judicial notice of certain facts outside of the record, the court is not persuaded that such action is warranted here.

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

APR 09 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Leland A. Hargrove
David F. D'Alessandris, Esq.

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

APR 09 2010

JAN HORBALY
CLERK