NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-7061

PHYLLIS A. HUMPHREY,

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. 08-878, Judge Alan G. Lance, Sr.

ORDER

Upon review of this recently docketed appeal, it appears that Phyllis A. Humphrey's appeal was not timely filed.

On August 14, 2009, the United States Court of Appeals for Veterans Claims entered judgment in Humphrey's case. The court received Humphrey's notice of appeal on November 16, 2009, 94 days after the date of judgment.

To be timely, a notice of appeal must be received by the Court of Appeals for Veterans Claims within 60 days of the entry of judgment. See 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1).

Accordingly,

IT IS ORDERED THAT:

(1) Humphrey is directed to show cause, within 21 days of the date of filing of this order why this appeal should not be dismissed as untimely. The Secretary of Veterans Affairs may also respond within that time.

(2) The briefing schedule is stayed.

FOR THE COURT

MAR 24 2010
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Phyllis A. Humphrey
Jeanne E. Davidson, Esq.

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

MAR 24 2010

JAN HORBALY
CLERK