

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-7063

EMELIA A. FORD,

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. 08-140, Judge Mary J. Schoelen.

ORDER

Upon review of this recently docketed appeal, the court considers whether Emelia A. Ford should be directed to show cause why her appeal should not be dismissed as untimely filed.

The Court of Appeals for Veterans Claims entered judgment in this case on November 17, 2009. The docket sheet of the Court of Appeals for Veterans Claims indicates that that court received Ford's notice of appeal on February 22, 2010, or 95 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) Ford is directed to show cause, within 30 days of the date of filing of this order, why her appeal should not be dismissed as untimely filed. The Secretary may also respond within that time.

(2) The briefing schedule is stayed.

FOR THE COURT

APR 01 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Emelia A. Ford
Jeanne E. Davidson, Esq.

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

APR 01 2010

JAN HORBALY
CLERK