NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

STEPHEN J. KLUBOCK,
Claimant-Appellant,

v.

ERIC K. SHINSEKI, SECRETARY OF VETERANS AFFAIRS,
Respondent-Appellee.

2010-7083

Appeal from the United States Court of Appeals for Veterans Claims in case no. 07-2008, Judge Robert N. Davis.

ORDER

Upon review of this recently docketed appeal, it appears that Stephen J. Klubock's appeal was not timely filed.

On January 26, 2010, the United States Court of Appeals for Veterans Claims dismissed Klubock's appeal as untimely. Judgment was entered on February 22, 2010. The court received Klubock's appeal on April 26, 2010.

An appeal from the Court of Appeals for Veterans Claims must be received within 60 days from the date of 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) Klubock is directed to show cause, within 28 days of the date of filing of this order why his 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

MAY 20 2010
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Steven J. Klubock
Jeanne E. Davidson, Esq.

s19

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

MAY 20 2010

JAN HORBALY
CLERK