

NOTE: This order is nonprecedential.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.

Before NEWMAN, SCHALL, and PROST, *Circuit Judges.*

PER CURIAM.

Stephen J. Klubock responds to this court's May 20, 2010 order directing him to show cause why this appeal should not be dismissed as untimely.

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

April 26, 2010, or 63 days after the entry of judgment by the Court of Appeals for Veterans Claims.

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). This filing period is statutory, mandatory, and jurisdictional. *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 that may not be waived).

Klubock's appeal was not received by the court within the statutory period. Thus, we must dismiss his appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed as untimely.
- (2) Each side shall bear its own costs.

FOR THE COURT

JUL 02 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Stephen J. Klubock
Richard P. Schroeder, Esq.

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

JUL 02 2010

JAN HORBALY
CLERK