

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**EDWARD S. DESMORE, SR.,**  
*Claimant-Appellant,*

v.

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

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2010-7135

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Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 08-2488, Judge Mary J.  
Schoelen.

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**O R D E R**

Edward S. Desmore, Sr. has not responded to the  
court's September 16, 2010 order directing him to show  
cause why his appeal should not be dismissed as un-  
timely.

Upon consideration thereof,

IT IS ORDERED THAT:

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

FOR THE COURT

NOV 30 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Edward S. Desmore, Sr.  
Michael N. O'Connell, Jr., Esq.

s17

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

NOV 30 2010

JAN HORBALY  
CLERK