

NOTE: This order is nonprecedential.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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**ORDER**

Upon review of this recently docketed appeal, the court considers whether Edward S. Desmore, Sr. should be directed to show cause why his appeal should not be dismissed as untimely filed.

The United States Court of Appeals for Veterans Claims entered judgment in this case on June 15, 2010. The docket sheet of the Court of Appeals for Veterans Claims indicates that Desmore filed his notice of appeal on August 20, 2010, or 66 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. \_\_\_, 127 S.Ct. 2360 (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) Desmore is directed to show cause within 21 days of the date of filing of this order why his appeal should not be dismissed as untimely filed.

(2) The briefing schedule is stayed.

FOR THE COURT

SEP 16 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

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

**SEP 16 2010**

**JAN HORBALY  
CLERK**