

NOTE: This order is nonprecedential.

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

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**AVELARDO GARCIA,**  
*Claimant-Appellant,*

v.

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

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2011-7023

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Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 10-1449, Judge Kenneth B.  
Kramer.

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**ON MOTION**

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Before **RADER**, *Chief Judge*, **NEWMAN** and **BRYSON**, *Circuit  
Judges.*

PER CURIAM.

**O R D E R**

Avelardo Garcia moves for reconsideration of the  
court's order dismissing his appeal as untimely filed.

Upon consideration thereof,

IT IS ORDERED THAT:  
The motion is denied.

FOR THE COURT

AUG 24 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Avelardo Garcia  
Claudia Burke, Esq.

s20

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

AUG 24 2011

JAN HORBALY  
CLERK