

NOTE: This order is nonprecedential.

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

DONNA BOYD,
Claimant-Appellant,

v.

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

2011-7209

Appeal from the United States Court of Appeals for
Veterans Claims in 08-3714, Judge Frank Q. Nebeker.

ON MOTION

O R D E R

Upon review of this recently docketed appeal, it appears that Donna Boyd's appeal was not timely filed.

On May 5, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Boyd's case. The court received Boyd's notice of appeal on September 19, 2011, 137 days after the date of judgment.

To be timely, a notice of appeal must be received by the Court of Appeals for Veterans Claims within 60 days of the 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) Boyd is directed to show cause, within 30 days of the date of filing of this order why this 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

OCT 06 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Donna Boyd
Jeanne E. Davidson, Esq.

s19

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

OCT 06 2011

JAN HORBALY
CLERK