

NOTE: This order is nonprecedential.

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

PERPETUA SAOY-CINCO,
Claimant-Appellant,

v.

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

2012-7027

Appeal from the United States Court of Appeals for
Veterans Claims in 10-1902, Judge Kenneth B. Kramer.

ON MOTION

Before BRYSON, MAYER, and LINN, *Circuit Judges.*
PER CURIAM.

ORDER

Perpetua Saoy-Cinco and the Secretary of Veterans
Affairs respond to this court's January 17, 2012 order
directing the parties to show cause why this appeal
should not be dismissed as untimely.

On September 20, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Saoy-Cinco's case. The court received Saoy-Cinco's notice of appeal on November 22, 2011, 63 days after the date of judgment.

To be timely, a notice of appeal must be filed with 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); *see also Henderson v. Shinseki*, 131 S. Ct. 1197, 1204-05 (2011) (the language of Section 7292(a) "clearly signals an intent" to impose the same jurisdictional restrictions on an appeal from the Veterans Court to the Federal Circuit as imposed on appeals from a district court to a court of appeals). The statutory deadline for taking an appeal to this court is jurisdictional and thus mandatory. *See Bowles v. Russell*, 551 U.S. 205 (2007). As such, this court "has no authority to create equitable exceptions to jurisdictional requirements," even if such "rigorous rules . . . are thought to be inequitable[.]" *Id.* at 214.

Because Saoy-Cinco's appeal was filed three days outside of the statutory deadline for taking an appeal to this court, we must dismiss the appeal.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

APR 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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APR 02 2012

JAN HORBALY
CLERK

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cc: Perpetua Saoy-Cinco
Tara K. Hogan, Esq.

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