

NOTE: This order is nonprecedential.

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

ALONZO DAY, JR.,
Claimant-Appellant,

v.

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

2012-7035

Appeal from the United States Court of Appeals for
Veterans Claims in 09-4491, Judge Robert N. Davis.

ON MOTION

O R D E R

Upon review of this recently docketed appeal, it appears that Alonzo Day, Jr.'s appeal was not timely filed.

On August 16, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Day's case. The court received Day's notice of appeal on October 24, 2011, 69 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) Day 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

JAN 17 2012

Date

/s/ Jan Horbaly

Jan Horbaly,
Clerk

cc: Alonzo Day, Jr.
Elizabeth A. Speck, Esq.

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

JAN 17 2012

JAN HORBALY
CLERK