

NOTE: This order is nonprecedential.

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

SALVATORE F. STALLONE,
Claimant-Appellant,

v.

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

2012-7036

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 09-3988, Judge Alan G.
Lance, Sr.

ON MOTION

ORDER

Upon review of this recently docketed appeal, it appears that Salvatore F. Stallone's appeal was not timely filed.

On October 7, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Stallone's case. According to the court's docket sheet, that court

received Stallone's notice of appeal on December 8, 2011, 62 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) Stallone 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 09 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Peter J. Meadows, Esq.
Jeanne E. Davidson, Esq.

JAN 09 2012

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JAN HORBALY
CLERK