

NOTE: This order is nonprecedential.

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

GERARDO C. AOANAN,
Claimant-Appellant,

v.

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

2012-7076

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 08-3682, Judge Ronald M.
Holdaway.

ON MOTION

Before LOURIE, SCHALL and DYK, *Circuit Judges.*

PER CURIAM.

ORDER

The Secretary of Veterans Affairs ("Secretary") moves
to waive the requirement of Federal Circuit Rule 27(f) and
dismiss this appeal.

On July 1, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Gerardo C. Aoanan's case. The court received Aoanan's notice of appeal more than 200 days after the date of judgment.

An appeal from the Court of Appeals for Veterans Claims must be received within 60 days from the date of entry of judgment. See 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). This filing period is statutory, mandatory, and jurisdictional. *Bowles v. Russell*, 551 U.S. 205 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement that may not be waived); *Henderson v. Shinseki*, 131 S. Ct. 1197, 1204-05 (2011) (noting Congress's intent to impose the same jurisdictional restrictions on an appeal from the Veterans Court to the Federal Circuit as on an appeal from a district court to a court of appeals).

Aoanan's appeal was not received by the court within the statutory period. Thus, we must dismiss his appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions are granted. The appeal is dismissed.
- (2) All pending motions are denied as moot.
- (2) Each side shall bear its own costs.

FOR THE COURT

JUL 20 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Gerardo C. Aoanan
Amanda L. Tantum, Esq.
s25

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

JUL 20 2012

JAN HORBALY
CLERK