

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-7039

NIKOLAS PROCELL,

Claimant-Appellant,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

Micah S. Myers, Wilmer Cutler Pickering Hale & Dorr, LLP, of Washington, DC, argued for claimant-appellant. Mark R. Lippman, The Veterans Law Group, of La Jolla, California, for claimant-appellant.

Martin F. Hockey, Jr., Assistant Director, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. With him on the brief were Gregory G. Katsas, Acting Assistant Attorney General, Jeanne E. Davidson, Director. Of counsel on the brief were Ethan G. Kalett, Supervisory Attorney, and Tracey P. Warren, Attorney, Office of the General Counsel, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Judge William A. Moorman

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JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

Judgment

ON APPEAL from the United States Court of Appeals for Veterans Claims

In CASE NO(S). 05-2510.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (RADER, PLAGER, and GAJARSA, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED: October 10, 2008

/ s / Jan Horbaly
Jan Horbaly, Clerk