

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-7144

JAMES C. GIEBNER,

Claimant-Appellant,

v.

ERIC K. SHINSEKI,  
Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
07-2863, Judge Robert N. Davis.

ON MOTION

ORDER

James C. Giebner moves to voluntarily withdraw his appeal.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

OCT 08 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: James C. Giebner  
Jeanne E. Davidson, Esq.

s17

ISSUED AS A MANDATE: \_\_\_\_\_

OCT 08 2009

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

OCT 08 2009

JAN HORBALY  
CLERK