

NOTE: This order is nonprecedential.

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

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**CHARLES BOUSHLEY, JR.,**  
*Claimant-Appellant,*

v.

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

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2012-7051

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Appeal from the United States Court of Appeals for  
Veterans Claims in 10-1431, Judge John J. Farley, III.

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**ON MOTION**

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Before RADER, *Chief Judge*, and GAJARSA and REYNA,  
*Circuit Judges.*

PER CURIAM.

**O R D E R**

Charles Boushley, Jr. responds to this court's January 27, 2012 order directing him to show cause why this appeal should not be dismissed for lack of jurisdiction.

On October 13, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Mr. Boushley's case. The court received Mr. Boushley's notice of appeal on December 19, 2011, 65 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).

Mr. Boushley'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 appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

MAR 08 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Charles Boushley, Jr.  
Christopher A. Bowen, Esq.  
s25

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

MAR 08 2012

JAN HORBALY  
CLERK