NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

In Re KIM A. HOVGAARD,
Petitioner

2026-154

On Petition for Writ of Mandamus to the United States Court of Appeals for Veterans Claims in No. 26-2915, Judge Joseph L. Falvey, Jr.

KIM ANTHONY HOVGAARD,
Claimant-Appellant

v.

DOUGLAS A. COLLINS, Secretary of Veterans Affairs,
Respondent-Appellee

2026-2197

Appeal from the United States Court of Appeals for Veterans Claims in No. 26-2915, Judge Joseph L. Falvey, Jr.

ON PETITION AND MOTION

Before DYK, MAYER, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

Kim A. Hovgaard files a petition for a writ of mandamus seeking to compel the United States Court of Appeals for Veterans Claims to transmit his "Notice of Appeal and Fee Waiver" to this court. Appeal No. 2026-154, ECF No. 2 at 3.[1] The Court of Appeals for Veterans Claims has since transmitted Mr. Hovgaard's notice of appeal, which has been docketed here as Appeal No. 2026-2197. The Secretary of Veterans Affairs moves for summary affirmance in that appeal. Mr. Hovgaard moves for leave to proceed *in forma pauperis* ("IFP") in both matters.

A petitioner seeking the extraordinary remedy of mandamus must show: (1) "no other adequate means to attain the relief he desires," (2) a "clear and indisputable" right to relief, and (3) the writ is "appropriate under the circumstances." *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004) (cleaned up). Here, Mr. Hovgaard fails to make that showing given that the Court of Appeals for Veterans Claims has now transmitted his notice of appeal and we grant Mr. Hovgaard's motions for leave to proceed IFP.

[1] Mr. Hovgaard includes a "Protect Under Seal" designation on his filing, ECF No. 2 at 2, but there is a strong presumption in favor of public access to appellate court proceedings, *see In re Violation of Rule 28(d)*, 635 F.3d 1352, 1356 (Fed. Cir. 2011), and Mr. Hovgaard fails to present any basis to seal his entire filing. However, the court will seal his financial statement (ECF No. 2 at 1).

Lastly, the court denies the Secretary's motion for summary affirmance in favor of having the parties brief the issues in Appeal No. 2026-2197.

Accordingly,

IT IS ORDERED THAT:

(1) The petition is denied.

(2) The motions for leave to proceed IFP are granted.

(3) The Secretary's motion for summary affirmance is denied in favor of having the parties address the issues in their briefs in Appeal No. 2026-2197. The opening brief in that appeal is due no later than 60 days from the date of entry of this order.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

September 17, 2026
Date