NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

DANIEL R. SMITH, Claimant-Appellant,

v.

ERIC K. SHINSEKI, SECRETARY OF VETERANS AFFAIRS, Bernendert Amerika

Respondent-Appellee.

2012-7084

Appeal from the United States Court of Appeals for Veterans Claims in 08-1959, Judge Robert N. Davis.

ON MOTION

ORDER

The Secretary of Veterans Affairs moves without opposition for extensions of time, until November 29, 2012, to file his response brief. Daniel R. Smith moves to voluntarily withdraw his appeal due to settlement.

Upon consideration thereof,

IT IS ORDERED THAT:

DANIEL SMITH v. SHINSEKI

(1) The motion to withdraw the appeal is granted. The appeal is dismissed.

(2) All other pending motions are moot.

(2) Each side shall bear its own costs.

FOR THE COURT

<u>/s/ Jan Horbaly</u> Jan Horbaly Clerk

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Issued As A Mandate: _____DEC 0 4 2012

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