

NOTE: This order is nonprecedential.

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

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**FRED L. FELDER,**  
*Claimant-Appellant,*

v.

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

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2010-7118

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Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 08-1348, Chief Judge Bruce  
E. Kasold.

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Before GAJARSA, SCHALL, and MOORE, *Circuit Judges.*  
PER CURIAM.

**O R D E R**

The Secretary of Veterans Affairs responds to this court's August 24, 2010 show cause order. Fred L. Felder has not responded to this court's order.

On October 15, 2009, the Court of Appeals for Veterans Claims issued a decision regarding appellant Fred L.

Felder's disability compensation claims, affirming the Board of Veteran's Appeals' denial of entitlement to service connection for right-ear hearing loss and remanding his various other claims for further proceedings. The court's mandate issued and Felder did not file a notice of appeal.

On June 16, 2010, the Board, on remand, issued a new decision regarding Felder's claims. On July 15, 2010, Felder filed a notice of appeal at the Court of Veterans Claims. It appears that the notice of appeal was docketed by that court not as a new appeal, but a motion seeking review of the court's prior October 15, 2009 decision. The notice of appeal was forwarded to this court and Felder filed an informal brief.

We have no authority to review the decision of the Court of Appeals for Veterans Claims of October 15, 2009 because no notice of appeal was filed within 60 days from the entry of judgment. *See* 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). Felder's appeal and informal brief, however, do not appear aimed at that decision but rather the June 16, 2010 Board decision from which he may be seeking timely review by the Court of Appeals for Veterans Claims. Although we cannot transfer this appeal to the Court of Appeals for Veterans Claims pursuant to 28 U.S.C. § 1631 because it is not a court as defined by 28 U.S.C. § 610, we provide a copy of this order and the notice of appeal to that court so that it may determine whether to treat the notice of appeal as an appeal of the Board's June 16, 2010 decision.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed for lack of jurisdiction.

(2) A copy of the order shall be transmitted to the Court of Appeals for Veterans Claims.

(3) Each side shall bear its own costs associated with the appeal in this court.

FOR THE COURT

NOV 15 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Fred L. Felder  
Vincent D. Phillips, Esq.  
Clerk, U.S. Court of Appeals for Veterans Claims  
(copy of notice of appeal enclosed)

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

NOV 15 2010

JAN HORBALY  
CLERK