

NOTE: This order is nonprecedential.

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

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**DON A. BLAIR,**  
*Claimant-Appellant,*

v.

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

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2010-7137

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Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 08-1676, Judge Bruce E.  
Kasold.

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**ORDER**

Upon review of this recently docketed appeal, the court considers whether Don A. Blair should be directed to show cause why his appeal should not be dismissed as untimely filed.

The United States Court of Appeals for Veterans Claims entered judgment in this case on June 21, 2010. The docket sheet of the Court of Appeals for Veterans Claims indicates that that court received Blair's notice of

appeal on August 23, 2010, or 63 days after entry of judgment.

Any appeal of the judgment had to be received by the Court of Appeals for Veterans Claims within 60 days of the date of entry of judgment. 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). If the notice of appeal was untimely filed, we do not have jurisdiction and this appeal must be dismissed. *See Bowles v. Russell*, 551 U.S. \_\_\_, 127 S.Ct. 2360 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement); *Sofarelli Assoc., Inc. v. United States*, 716 F.2d 1395 (Fed. Cir. 1983).

Accordingly,

IT IS ORDERED THAT:

(1) Blair is directed to show cause, within 21 days of the date of filing of this order, why his appeal should not be dismissed as untimely filed. The Secretary may also respond within that time.

(2) The briefing schedule is stayed.

FOR THE COURT

OCT 27 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Roger W. Rutherford, Esq.  
P. Davis Oliver, Esq.

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

OCT 27 2010

JAN HORBALY  
CLERK