

NOTE: This order is nonprecedential.

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

LEE HOLLAND, JR.,
Claimant-Appellant,

v.

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

2011-7198

Appeal from the United States Court of Appeals for
Veterans Claims in 09-1481, Judge Bruce E. Kasold.

ON MOTION

Before NEWMAN, LINN, and REYNA, *Circuit Judges.*
PER CURIAM.

O R D E R

Lee Holland, Jr.'s responds to this court's October 6, 2011 order directing the parties to show cause why this appeal should not be dismissed for lack of jurisdiction.

On February 3, 2011, the United States Court of Appeals for Veterans Claims entered judgment in Holland's

case. The court received Holland's notice of appeal on July 14, 2011, 161 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).

Holland'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

JAN 13 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Lee Holland, Jr.
Joshua E. Kurland, Esq.

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

JAN 13 2012

JAN HORBALY
CLERK