

NOTE: This order is nonprecedential.

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

VICTOR MANUEL AVILES-RIVERA,
Claimant-Appellant

v.

**DENIS MCDONOUGH, SECRETARY OF
VETERANS AFFAIRS,**
Respondent-Appellee

2022-2084

Appeal from the United States Court of Appeals for
Veterans Claims in No. 19-5969, Chief Judge Margaret C.
Bartley, Judge Joseph L. Falvey, Jr., Judge Joseph L. Toth.

SUA SPONTE

Before REYNA, TARANTO, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

The parties filed supplemental briefing in the above-captioned appeal concerning, among other issues, whether

this appeal was moot in light of Mr. Aviles-Rivera's May 2022 and July 2023 supplemental claims brought before the Department of Veterans Affairs (VA). Having considered the parties' supplemental briefing and the intervening proceedings concerning Mr. Aviles-Rivera's supplemental claims before the VA, we determine that this appeal is moot. We also exercise our discretion to vacate the underlying Court of Appeals for Veterans Claims' judgment and opinion. *See U.S. Bancorp Mortg. Co. v. Bonner Mall P'ship*, 513 U.S. 18, 21–22 (1994).

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) This appeal is dismissed as moot. Each party shall bear its own costs.
- (2) The Court of Appeals for Veterans Claims' May 24, 2022 judgment and May 2, 2022 decision in Case No. 19–5969 are vacated.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

June 12, 2024
Date