

NOTE: This order is nonprecedential.

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

SIMONA SUGUITAN,
Claimant-Appellant,

v.

**Eric K. Shinseki, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2013-7020

Appeal from the United States Court of Appeals for
Veterans Claims in No. 09-3885, Judge Alan G. Lance Sr.

ON MOTION

Before NEWMAN, REYNA, and WALLACH, *Circuit Judges.*

PER CURIAM.

O R D E R

The Secretary of Veterans Affairs moves for dismissal of Simona Suguitan's appeal for lack of jurisdiction.

The United States Court of Appeals for Veterans Claims ("Veterans Court") received Ms. Suguitan's notice of appeal on September 24, 2012. Judgment was entered by the Veterans Court on January 3, 2012. As such, a

total of 265 days had elapsed between judgment and receipt of the appeal.

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).

Ms. Suguitan's appeal was not received by the court within the statutory period. Thus, we must dismiss her appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk