

NOTE: This order is nonprecedential.

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

IN RE HENRY F. GILCHRIST,
Petitioner.

2014-136

On Petition for Writ of Mandamus to the United States Court of Appeals for Veterans Claims in No. 14-83.

ON MOTION

Before NEWMAN, RADER, and CHEN, *Circuit Judges.*

PER CURIAM.

O R D E R

Henry F. Gilchrist seeks a writ of mandamus asking, among other things, for us to direct the Department of Veterans Affairs to award him full benefits and for us to compel the United States Court of Appeals for Veterans Claims (Veterans Court) to read a document in a pending matter. Gilchrist also moves to proceed in forma pauperis in this court.

In his petition, Gilchrist refers to a previous appeal in this court, 2011-7113, and to an appeal currently pending before the Veterans Court. In the previous appeal, 2011-7113, Gilchrist had appealed the Veterans Court's dismis-

sal of his case for lack of jurisdiction. The Veterans Court had dismissed his case due to lack of a final Board of Veterans' Appeals (Board) decision. In August 2011, we affirmed the Veterans Court's dismissal. To the extent that Gilchrist's petition relates to that decision, mandamus is not appropriate because that matter is closed.

A party who seeks a writ bears the burden of proving that he has no other means of attaining the relief desired, *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 309 (1989), and that the right to issuance of the writ is "clear and indisputable." *Allied Chemical Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980).

To the extent that Gilchrist's petition relates to his case currently pending at the Veterans Court, he has not established that mandamus relief is appropriate. In the pending Veterans Court case, Gilchrist appealed the Board's denial of entitlement to a total disability rating. Gilchrist has not shown that he could not later appeal any final ruling. After the Veterans Court issues a final decision in that pending case, Gilchrist may of course later appeal any adverse ruling when appropriate.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to proceed in forma pauperis is granted. No docketing fee is required for this mandamus petition.

(2) The petition for a writ of mandamus is denied.

FOR THE COURT

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