

NOTE: This order is nonprecedential.

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

HOWARD NEWGARD,
Claimant-Appellant,

v.

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

2014-7005

Appeal from the United States Court of Appeals for
Veterans Claims in No. 12-1334, Chief Judge Bruce E.
Kasold.

ON MOTION

PER CURIAM.

ORDER

Howard Newgard moves the court to take judicial
notice of certain documents that he states were not before
the Court of Appeals for Veterans Claims (“Veterans
Court”). The Secretary of Veterans Affairs opposes.

The record on appeal should only include the papers and exhibits filed in the Veterans Court. *See* Fed. R. App. P. 10(a). Although the Federal Rules of Evidence authorize judicial notice of certain documents outside of the record, the court is not persuaded that such action is warranted here. *See* Fed. R. Evid. 201.

Accordingly,

IT IS ORDERED THAT:

The motion is denied. The appellant's opening brief, which does not include the documents, is accepted for filing.

FOR THE COURT

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