

NOTE: This order is nonprecedential.

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

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**SYLVESTER E. HARDING, III,**  
*Petitioner,*

v.

**DEPARTMENT OF VETERANS AFFAIRS,**  
*Respondent.*

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2011-3091

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Petition for review of the Merit Systems Protection Board in case no. DA0752100064-I-1.

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**ON MOTION**

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Before LOURIE, *Circuit Judge.*

**ORDER**

Sylvester E. Harding, III moves for a stay and default judgment. The Department of Veterans Affairs moves for leave to file its brief out of time. Harding opposes.

Harding has not shown entitlement to the relief requested.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) Harding's motion is denied.
- (2) The motion for leave to file a brief out of time is granted.

FOR THE COURT

SEP 01 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Sylvester E. Harding, III  
Renee Gerber, Esq.

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

SEP 01 2011

**JAN HORBALY**  
**CLERK**