

NOTE: This order is nonprecedential.

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

RICHARD S. HENDERSON,
Claimant-Appellant,

v.

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

2012-7172

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 10-3934, Chief Judge Bruce
E. Kasold.

ON MOTION

PER CURIAM.

O R D E R

The Secretary of Veterans Affairs moves to waive the
requirements of Fed. Cir. R. 27(f) and summarily affirm
the decision of the United States Court of Appeals for
Veterans Claims.

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We deem it the better course to deny the motion and for the Secretary of Veteran's Affairs to present any arguments for dismissal in his brief.

Accordingly,

IT IS ORDERED THAT:

- (1) The Secretary of Veterans Affairs' motion to dismiss is denied.
- (2) Henderson's brief is due 30 days from the date of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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