

NOTE: This order is nonprecedential.

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

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**DON A. BLAIR,**  
*Claimant-Appellant,*

v.

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

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2010-7137

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Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 08-1676, Judge Bruce E.  
Kasold.

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Before RADER, *Chief Judge*, LOURIE and O'MALLEY,  
*Circuit Judges.*

RADER, *Chief Judge.*

**O R D E R**

The Secretary of Veterans Affairs responds to this court's order directing Don A. Blair to show cause why his appeal should not be dismissed as untimely. Blair has not responded to the court's order.

The Court of Appeals for Veterans Claims entered judgment in this case on June 21, 2010. The docket sheet

of the Court of Appeals for Veterans Claims indicates that that court received Blair's notice of appeal on August 23, or 63 days after entry of judgment.

Any appeal of the judgment of the Court of Appeals for Veterans Claims had to be received within 60 days of the date of entry of judgment. 38 U.S.C. § 7292(a); 28 U.S.C. § 2107(b); Fed. R. App. P. 4(a)(1). Thus, we do not have jurisdiction and this appeal must be dismissed. See *Bowles v. Russell*, 551 U.S. 205 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement); *Sofarelli Assoc., Inc. v. United States*, 716 F.2d 1395 (Fed. Cir. 1983).

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

MAY 20 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Roger W. Rutherford, Esq.  
P. Davis Oliver, Esq.

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

**MAY 20 2011**

**JAN HORBALY**  
**CLERK**