

NOTE: This order is nonprecedential.

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

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**EMON DAWKINS,**  
*Claimant-Appellant,*

v.

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

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2012-7105

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Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 09-665, Judge Lawrence B.  
Hagel.

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**ON MOTION**

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Before **LOURIE, SCHALL** and **DYK**, *Circuit Judges.*

PER CURIAM.

**ORDER**

Emon Dawkins responds to the court's May 14, 2012 order requiring him to show cause why his appeal should not be dismissed as untimely. The Secretary of Veterans Affairs ("Secretary") also responds, which this court

construes as a motion to dismiss this appeal for lack of jurisdiction.

The Court of Appeals for Veterans Claims entered judgment in this case on February 2, 2012. The court received Dawkins's notice of appeal on April 5, 2012, 63 days after the date of the judgment.

Any appeal from the Court of Appeals for Veterans Claims must 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). The statutory deadline for taking an appeal to this court is jurisdictional and mandatory. *See Bowles v. Russell*, 551 U.S. 205 (2007); *see also Henderson v. Shinseki*, 131 S. Ct. 1197, 1204-05 (2011) (noting Congress's intent to impose the same jurisdictional restrictions on an appeal from the Veterans Court to the Federal Circuit as on an appeal from a district court to a court of appeals).

Dawkins argues that his late filing was due to his inability to receive legal advice. However, this court "has no authority to create equitable exceptions to jurisdictional requirements," even if such "rigorous rules . . . are thought to be inequitable[.]" *Bowles*, 551 U.S. at 214. Because this appeal was not received within the statutory period, we must dismiss.

Accordingly,

IT IS ORDERED THAT:

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

AUG 02 2012

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

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

AUG 02 2012

JAN HORBALY  
CLERK

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cc: Emon Dawkins  
Richard Schroeder, Esq.

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