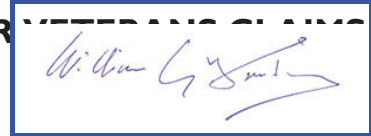


MOTION GRANTED

THE UNITED STATES COURT OF APPEALS FOR



January 4, 2024
William Greenberg
Judge

ROCCO V. PERCIAVALLE,
Appellant,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,
Appellee.

VET. APP. NO. 17-3766

APPELLANT'S UNOPPOSED MOTION FOR AN ORDER OF JUDGMENT AND MANDATE

Pursuant to U.S. Vet. App. Rules 26, 27, and 41(c)(2) Appellant, by and through his undersigned counsel moves this Court for an order issuing mandate immediately. The en banc court has already weighed in, and the Federal Circuit has issued an order directing a specific outcome. The Court dissolved the panel, and issued a single judge decision setting aside the Board's decision and an order "to issue a decision that is consistent with the Federal Circuit's July 2023 decision."

Mr. Perciavalle does not intend to appeal this latest decision, and, after consulting with the Secretary, he too indicated his intent to not appeal as evidenced by his non-opposition to this motion. Furthermore, this appeal started in 2017, and Mr. Perciavalle would appreciate any efforts to speed this along.

The undersigned has contacted Secretary's counsel and the Secretary is
unopposed to this motion.

Respectfully submitted,

/s/ Kenneth H. Dojaquez
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