

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

LIONEL SOSA,)	
Appellant)	
)	
vs.)	CAVC No. 15-2153
)	
ROBERT A. McDONALD,)	
Secretary of Veterans Affairs,)	
Appellee)	

MOTION TO EXPEDITE ENTRY OF THE MANDATE

Now comes Appellant, Lionel Sosa, who moves pursuant to Rules 2 and 47(a)(2) for expedited entry of the mandate in his case. By its decision dated November 4, 2016, the Court set aside the April 7, 2015, decision of the Board of Veterans' Appeals and remanded this matter to the Board for further adjudication. On November 29, 2016, the Court entered judgment in this case. Appellant now seeks an order from the Court to expedite entry of the mandate pursuant to Rule 41(b)(3) and also wishes to inform the Court that Appellee indicated he is not opposed to this motion. Appellant asks the Court to enter the mandate seven (7) days after the date of this motion. This will provide Appellee with an ample window of time to file an appeal to the Federal Circuit.

The Court has authority to grant this motion pursuant to Rule 2, which provides that "on a party's motion, the Court may-to expedite its decision or for other good cause-suspend any provision of these rules and order proceedings as it directs, consistent with applicable law and precedent." Similarly Rule 47 provides the Court with the authority to expedite proceedings. Appellant is terminally ill,

and has already survived past the time frame suggested by his treating doctor, as noted in the attached letter.

In *Mariano v. Principi*, 17 Vet. App. 305, 318 (2003) this Court expedited the entry of the judgment and mandate due to the advanced age of the claimant and the length of time the claim had been pending. The Court specifically ordered that “judgment will be entered and mandate will issue in this case 10 days after the date on which this opinion is issued. See U.S. Vet.App. R. 2 (suspension of rules), 35 (motion for reconsideration), 36 (entry of judgment), 41(a) (issuance of mandate).” *Mariano*, 17 Vet. App. 305, 318 (2003). Appellant requests an order similar to the Order the Court issued in *Mariano*.

Accordingly, Appellant respectfully requests the Court to expedite the entry of mandate in his case and enter such mandate 7 days from the date he files this motion.

Respectfully submitted,
LIONEL SOSA
By His Attorneys,

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