

Not Published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No: 19-1904

JOHN H. CHISHOLM,

APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

ORDER

On August 12, 2019, a Rule 33 staff conference was held. The appellant failed to file a brief, as required under Rule 31 of this Court's Rules of Practice and Procedure, within 30 days after the completion of the staff conference. On September 12, 2019, The Court issued an order directing the appellant to comply with the Rules of the Court by filing the brief and appropriate motion to file the brief late within 7 days of the date of that order. The appellant did not respond to the September 12, 2019, Court order. On October 25, 2019, the Clerk of the Court directed Court staff to contact the appellant's counsel to inquire as to why he had not yet filed the appellant's brief and if he intended to do so. On October 31, 2019, Court staff spoke with appellant's counsel to discuss counsel's failure to file a brief and if counsel intended to do so. On November 11, 2019, appellant's counsel filed a non-compliant motion for leave to file his brief out of time and a motion to stay the proceedings. The combined motion was in violation of Court Rule 27(e), however, the Clerk of the Court directed Court staff to accept the combined motion and file it on the official Court docket. On November 20, 2019, the appellant's motion for leave to file his brief out of time was granted by the Court's Chief Deputy Clerk of Operations. As of December 23, 2019, the appellant has not yet filed a brief. It is

ORDERED that, within 20 days after the date of this order, the appellant must comply with the Rules of the Court by filing the brief and appropriate motion for leave to file the brief out of time. Failure to comply with the Rules of the Court can result in dismissal and/or sanctions. *See* U.S. VET. APP. R. 31(b). These proceedings are stayed until further order of the Court.

Dated: December 23, 2019

FOR THE COURT:

GREGORY O. BLOCK
Clerk of the Court

By: /s/ Anthony R. Wilson
Deputy Clerk

Copies to:

Michael J. Kelley, Esq.

VA General Counsel (027)