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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-8965

FREDDIE L. DAVIS, PETITIONER,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS, RESPONDENT.

Before PIETSCH, *Judge*.

ORDER

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

On December 20, 2019, the petitioner, Freddie L. Davis, filed a petition for extraordinary relief in the form of a writ of mandamus. On January 13, 2020, the Court ordered the Secretary to respond to his arguments. The Court twice granted motions to stay the case, and the Secretary has not filed a response. On April 15, 2020, the petitioner and the Secretary filed a third joint motion to stay this case. The Court held that motion in abeyance and requested additional information from the petitioner.

On April 27, 2020, the petitioner filed an unopposed motion to withdraw his petition. He reported that he has "instituted an additional administrative appeal" of the matter that is the basis of his request for extraordinary relief. April 27, 2020, Motion at 1. He acknowledged that the "time for the Veterans Health Administration to investigate and rule on that appeal has not elapsed" and that his petition is "premature." *Id.*; see *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380-81 (2004).

Upon consideration of the foregoing, it is

ORDERED that the Court's January 13, 2020, order is withdrawn. It is further

ORDERED that the petitioner's April 27, 2020, motion is granted. The petition is DISMISSED. It is further

ORDERED that the parties' April 15, 2020, motion is denied as moot. It is further

ORDERED that, pursuant to Rule 41(b) of the Court's Rules of Practice and Procedure, this order is the mandate of the Court.

DATED: May 11, 2020

BY THE COURT:

A handwritten signature in blue ink, reading "Coral Wong Pietsch". The signature is fluid and cursive, with the first name "Coral" and last name "Pietsch" being more prominent than the middle name "Wong".

CORAL WONG PIETSCH

Judge

Copies to:

Harry J. Binder, Esq.

VA General Counsel (027)