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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-2626

DARNELL TREADWAY, PETITIONER,

v.

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

Before MEREDITH, *Judge*.

ORDER

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

On April 9, 2020, the pro se petitioner, Darnell Treadway, filed a petition for extraordinary relief in the form of a writ of mandamus compelling a VA regional office (RO) to reopen appeals of entitlement to disability compensation for a left leg condition, bilateral hip disability, and bilateral ankle disability; and entitlement to an increased disability rating for adjustment disorder with anxious stress. Petition (Pet.) at 5-9, 11-13, 17.¹ He asserted that he filed a VA Form 9 with respect to those claims, but that the RO subsequently closed the appeals without the Board of Veterans' Appeals (Board) adjudication of the matters. Pet. at 8-9. The Secretary filed a response to the petition on May 4, 2020, asserting that the petition is moot because the Board has activated the record concerning three of the outstanding claims and the RO has since certified the remaining claim to the Board. Secretary's Response at 1-4. The Secretary avers that the four matters have been merged and are now before a veterans law judge (VLJ) team being actively reviewed and adjudicated. Secretary's Response at 3.

This Court has adopted the case-or-controversy jurisdictional requirements imposed by Article III of the U.S. Constitution. *Aronson v. Brown*, 7 Vet.App. 153, 155 (1994). Where all relief sought by a petition for extraordinary relief has been afforded, the petition is moot. *See Chandler v. Brown*, 10 Vet.App. 175, 177 (1997) (per curiam order); *Thomas v. Brown*, 9 Vet.App. 269, 270-71 (1996) (per curiam order). Because the Secretary's response reflects that the petitioner's appeals have been activated and are pending before a VLJ team for review and adjudication, the petitioner's request for relief has been satisfied, and the petition for extraordinary relief in the form of a writ of mandamus is moot. *See* Pet. at 7-10.

¹ The Court's references to the petition refer to the overall pagination of the Portable Document Format (PDF) document.

Accordingly, it is

ORDERED that the petitioner's April 9, 2020, petition for extraordinary relief in the form of a writ of mandamus is DISMISSED.

DATED: May 13, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Amanda L. Meredith', with a long horizontal flourish extending to the right.

AMANDA L. MEREDITH
Judge

Copies to:

Darnell Treadway

VA General Counsel (027)