

IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

THOMAS S. PRATT,

Appellant,

v.

ROBERT L. WILKIE,

Secretary of Veterans Affairs,

Appellee

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Vet. App. No. 19-919

APPELLANT’S UNOPPOSED MOTION TO EXPEDITE ENTRY OF MANDATE

Appellant, by counsel and pursuant to United States Court of Appeals for Veterans Claims Rule of Practice and Procedure 41, respectfully moves the Court to direct an expedited entry of mandate.

The Court released its memorandum decision in this case on May 13, 2020. On June 4, 2020, the Court entered judgment in this case. Per Rule 41(b), mandate is generally 60 days after entry of judgment, unless either party files with the Clerk of Court a timely appeal to the U.S. Court of Appeals for the Federal Circuit (“the Federal Circuit”) (*see* Rule 41(b)(1)) or the Court directs otherwise (*see* Rule 41(b)(2)). Thus, in the present case, mandate would normally occur on August 3, 2020, absent an appeal to the Federal Circuit by either party or direction by the Court otherwise. However, under Rule 41(c)(3), the Court may direct that mandate be entered on a different date.

Appellant does not intend to file an appeal to the Federal Circuit. The Secretary conceded in his principal brief that remand was necessary for one issue, and the Court in its memorandum decision agreed with the Secretary and remanded Appellant’s claim.

Appellant has consulted with counsel for the Secretary who indicates the Secretary does not intend to appeal to the Federal Circuit.

Therefore, Appellant respectfully requests that the Court direct that mandate be entered as soon as possible per Rule 41(b)(2) without waiting for the 60-day period for mandate to expire.

Counsel for the Secretary has been contacted and states that the Secretary does not oppose this motion.

WHEREFORE, Appellant respectfully moves the Court to direct an entry of mandate as soon as possible without waiting the full 60-day period.

Dated this 4th day of June, 2020.

Respectfully submitted,

FOR APPELLANT:

/s/ Mark D. Matthews

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