

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**CARY E. SMITH,**  
*Claimant-Appellant*

**v.**

**DENIS MCDONOUGH, SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

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2020-2063

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 19-4777, Senior Judge Robert N.  
Davis.

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**ON MOTION**

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Before LOURIE, O'MALLEY, and STOLL, *Circuit Judges*.  
PER CURIAM.

**O R D E R**

Cary E. Smith moves to recall the court's June 3, 2021  
mandate. Mr. Smith states that he did not receive a copy of  
the court's April 12, 2021 opinion and judgment until June

11, 2021, which was after the time to file a petition for rehearing expired.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to recall the mandate is granted.

(2) Mr. Smith's filing is accepted as an out-of-time combined petition for panel rehearing and rehearing en banc. The court will consider the petition in the usual course.

FOR THE COURT

June 24, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court