

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 99-368

W. T. SUMNER,

APPELLANT,

v.

ANTHONY J. PRINCIPI,
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before KRAMER, *Chief Judge*, and FARLEY, HOLDAWAY,
IVERS, STEINBERG, and GREENE, *Judges*.

ORDER

On August 9, 2000, the Court, by a single-judge order, dismissed, for lack of jurisdiction, the appellant's application for an award of attorney fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). On September 29, 2000, a panel denied the appellant's motion for a panel decision and denied, as premature, his motion for a full Court decision. On October 17, 2000, the appellant filed a motion for panel reconsideration or, in the alternative, for a full Court decision.

Upon consideration of the appellant's motion for reconsideration, it is by the panel

ORDERED that the motion for reconsideration by the panel is DENIED.

Upon consideration of the appellant's renewed motion for a full Court decision, because the resolution of *Buckhannon Bd. and Care Home, Inc. v. W. Virginia Dep't of Health and Human Res.*, 203 F.3d 819 (4th Cir.) (table), *cert. granted*, 121 S.Ct. 28 (Sept. 26, 2000) (mem.), *argued*, 2001 WL 219427, No. 99-1848 (Feb. 27, 2001), may affect the disposition of this appeal, it is by the full Court

ORDERED that the appellant's motion for a full Court decision is held in abeyance pending further order of the Court. It is further

ORDERED that, within 30 days after the U.S. Supreme Court's disposition of *Buckhannon*, *supra*, the appellant file and serve a legal memorandum addressing the resolution of that proceeding as it pertains to the appellant's EAJA application. It is further

ORDERED that the Secretary file and serve a legal memorandum within 30 days after service of the appellant's legal memorandum.

DATED: April 3, 2001

PER CURIAM