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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 05-3555

WILLIE H. WILLIAMS, APPELLANT,

v.

JAMES B. PEAKE, M.D.,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before MOORMAN, LANCE, and DAVIS, *Judges*.

ORDER

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

On April 11, 2008, the Court received a joint motion for stay in which the parties informed the Court that the appellant had died on March 18, 2008. (Appellant's appeal of an August 26, 2005, decision was pending when he died.) The parties moved for a stay of proceedings in order that counsel for the appellant have time to investigate the possibility of substituting a surviving spouse in the appeal. The Court granted the motion for stay on April 18, 2008.

On April 17, 2008, however, counsel for the appellant filed a motion to withdraw the appeal. In that motion, the appellant's counsel informed the Court that the appellant has no surviving spouse or other dependents having standing to assert a claim under 38 U.S.C. § 5121.

The Court agrees that under these circumstances the appellant's death terminates this appeal as a matter of law. *See Landicho v. Brown*, 7 Vet.App. 42, 48 (1994).

Upon consideration of the foregoing, it is

ORDERED that the stay of proceedings is LIFTED. It is further

ORDERED that the Board decision dated August 26, 2005, is VACATED with respect to the matters appealed to the Court. It is further

ORDERED that the appellant's motion to dismiss the appeal is granted and the appeal is DISMISSED.

DATED: May 8, 2008

PER CURIAM.

Copies to:

Kenneth M. Carpenter, Esq.

General Counsel (027)