

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3013

JAIME ROSADO,

Petitioner,

v.

DEPARTMENT OF THE AIR FORCE,

Respondent.

Petition for review of the Merit Systems Protection Board in
DA0432890528-P-1.

ON MOTION

Before MAYER, SCHALL, and MOORE, Circuit Judges.

PER CURIAM.

ORDER

Jaime Rosado submits a Uniformed Services Employment and Reemployment Rights Act (USERRA) notification form, moves to reinstate his petition for review, and requests a status update on his case.

Rosado's petition was dismissed on November 10, 2008 because he had not paid the filing fee or submitted a Fed. Cir. R. 15(c) statement concerning discrimination. On January 12, 2009, Rosado submitted a USERRA notification form claiming that his case before the Merit Systems Protection Board involved USERRA claims and thus was exempt from paying the filing fee. On January 21, 2009, Rosado submitted the Rule 15(c) form and filed a motion seeking reinstatement of his case.

In his motion to reinstate, Rosado requests that the court proceed with his case only if his case "qualif[ies] under the USERRA" for a waiver of the filing fee. Rosado states that he does not want to pay the docketing fee and that if his case does not meet these requirements, it can be dismissed.

The court notes that the Board decision under review does not indicate that Rosado raised any USERRA claims. Thus, because Rosado does not qualify for a waiver of the filing fee pursuant to USERRA and has not paid the filing fee, the motion to reinstate is denied.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to reinstate is denied.
- (2) Each side shall bear its own costs.

FOR THE COURT

APR 3 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

cc: Jaime Rosado
Robert C. Bigler, Esq.

APR 03 2009

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**JAN HORBALY
CLERK**