

NOTE: This order is nonprecedential.

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

2009-3121

BENJAMIN DELA ROSA,

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Petition for review of the Merit Systems Protection Board  
in SF0831080451-I-1.

ON MOTION

## ORDER

The petitioner moves for leave to proceed in forma pauperis.

The court notes that the petition was dismissed on March 25, 2009 for failure to pay the fee and for failure to file a Fed. Cir. R. 15(c) statement concerning discrimination. The Fed. Cir. R. 15(c) statement has now been filed.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for leave to proceed in forma pauperis is granted.

(2) The mandate is recalled, the court's dismissal order is vacated, and the petition is reinstated. The petitioner's informal brief is due within 21 days of the date of filing of this order.

FOR THE COURT

**MAY -1 2009**

                      
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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

cc: Benjamin Dela Rosa (informal brief form enclosed)  
Christopher A. Bowen, Esq.

**MAY - 1 2009**

**JAN HORBALY**  
**CLERK**

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