

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3228

JOHN-PIERRE BANEY,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board
in DA1221090164-W-1.

ON MOTION

ORDER

The Department of Justice moves to reform the official caption to designate the Merit Systems Protection Board as the respondent.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns solely the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to reform the official caption is granted. The revised official caption is reflected above.

(2) The Board should calculate its brief due date from the date of filing of this order.

FOR THE COURT

SEP 29 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: John-Pierre Baney
Christopher L. Krafchek, Esq.
Joyce Friedman, Esq.

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

SEP 29 2009

**JAN HORBALY
CLERK**