

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3289

DAVID C. ROBACKER,

Petitioner,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Petition for review of the Merit Systems Protection Board in
DA0752080549-I-1.

ON MOTION

ORDER

David C. Robacker moves for reconsideration of the court's October 15, 2009 order dismissing his petition for review for failure to file a Fed. Cir. R. 15(c) statement concerning discrimination.

Counsel for Robacker states that "[d]iscrimination is not alleged and the petitioner saw no reason to file the statement." Pursuant to Fed. Cir. R. 15(c), the form is required in all petitions for review of decisions of the Merit Systems Protection Board. If no discrimination claim was raised before the Board or if any such claim has been abandoned, then the corresponding selection should be made on the form.

Robacker has still not submitted the Rule 15(c) form, nor has he submitted a certificate of interest as required by Fed. Cir. R. 47.4.

Accordingly,

IT IS ORDERED THAT:

The motion for reconsideration will be granted, the mandate will be recalled, and the petition will be reinstated if Robacker files a Rule 15(c) statement concerning discrimination, a certificate of interest, and his brief within 21 days of the date of filing of this order. No further extensions should be anticipated.

FOR THE COURT

NOV 24 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: George P. Powell, Esq.
Jeanne E. Davidson, Esq.

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

NOV 24 2009

JAN HORBALLY
CLERK