

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-3028

MATTHEW J. NASUTI,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board
in case no. DC1221090356-W-1.

ON MOTION

ORDER

The Department of State moves to reform the official caption to designate the Merit Systems Protection Board as the respondent. Matthew J. Nasuti opposes. The Department replies and moves for leave to file a corrected proposed order.

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

In this case, the Board dismissed the appeal for lack of jurisdiction.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions are 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

JAN 08 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Matthew J. Nasuti
A. Bondurant Eley, Esq.
Mark Syska, Esq. (copy of petitioner's brief enclosed)

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

JAN 08 2010

**JAN HORBALY
CLERK**