

NOTE: This order is nonprecedential.

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

2010-3074

BRYANT C. JONES,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

On petition for review of the Merit Systems Protection Board  
in case no. CH0752090905-I-1.

ON MOTION

## ORDER

The Department of Justice moves without opposition 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 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. Thus, the Board is the proper respondent.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above.

FOR THE COURT

MAR 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Gregory Tyrone Mitchell, Esq.  
Tara K. Hogan, Esq.  
Sara B. Rearden, Esq.

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

MAR 26 2010

JAN HORBALY  
CLERK