

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-3097

JOHN-PIERRE BANEY,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

DEPARTMENT OF JUSTICE,

Intervenor.

Petition for review of the Merit Systems Protection Board
in case no. DA1221090479-W-1.

ON MOTION

ORDER

The Department of Justice moves to reform the caption to designate the Merit Systems Protection Board as the respondent, for leave to intervene, and for extensions of time to file the briefs. John-Pierre Baney submits a form suggesting that he is not required to pay the docketing fee based on his assertion that the case involved a claim under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

The Board's decision does not indicate that the case involved a claim under USERRA. Thus, Baney must either pay the \$450 docketing fee or file a completed motion for leave to proceed in forma pauperis.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Department's motions are granted. The revised official caption is reflected above. The Board should calculate the due date for its brief from the date of filing of this order. The Department's brief is due no later than 14 days from the date of service of the Board's brief. Baney's reply brief, if any, is due within 14 days of the date of service of the Department's brief.

(2) Within 30 days of the date of filing of this order, Baney must either pay the \$450 docketing fee or file a completed motion for leave to proceed in forma pauperis (form enclosed).

FOR THE COURT

MAY 18 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: John-Pierre Baney (form for motion to proceed in forma pauperis enclosed)
Courtney S. McNamara, Esq.
Stephanie Conley, Esq.

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

MAY 18 2010

JAN HORBALY
CLERK