

NOTE: This order is nonprecedential.

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

SHERWANDA L. PERRY,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2010-3119

Petition for review of the Merit Systems Protection Board in case no. CH0831090853-I-1.

ON MOTION

O R D E R

The Office of Personnel Management moves to reform the official caption to designate the Merit Systems Protection Board as the respondent and for an extension of time to file the respondent's brief.

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:

(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

JUN 24 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Sherwanda L. Perry
Scott A. MacGriff, Esq.
Sara B. Rearden, Esq. (copy of petitioner's informal
brief enclosed)

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

JUN 24 2010

JAN HORBALY
CLERK