

NOTE: This order is nonprecedential.

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

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**DAMIAN R. NASTRI,**  
*Petitioner*

v.

**DEPARTMENT OF HOMELAND SECURITY,**  
*Respondent*

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2021-1015

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Petition for review.

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**ON MOTION**

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PER CURIAM.

**O R D E R**

The Department of Homeland Security moves for leave to file out-of-time its response to the court's November 18, 2020 order to show cause. We grant that motion, and having considered the parties' responses to the show cause order, we dismiss this petition for lack of jurisdiction.

Mr. Nastri seeks review of decisions of the Department and of the Office of Special Counsel ("OSC"). This court's limited jurisdiction does not include direct appeals from

decisions of the Department or the OSC. *See* 28 U.S.C. § 1295. While Mr. Nastri could have perhaps appealed those decisions to the Merit Systems Protection Board, whose final decisions are within this court's review, 28 U.S.C. § 1295(a)(9), Mr. Nastri concedes, and the Board confirms, that he did not file such an appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for leave to file the response out of time is granted.
- (2) The petition is dismissed.
- (3) Each side shall bear its own costs.

FOR THE COURT

January 21, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court