

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-3147

DEAN J. BALOURIS,

Petitioner,

v.

UNITED STATES POSTAL SERVICE,

Respondent.

Petition for review of the Merit Systems Protection Board
in PH0752060495-I-1.

ON MOTION

Before PROST, Circuit Judge, FRIEDMAN, Senior Circuit Judge, and MOORE, Circuit Judge.

PROST, Circuit Judge.

ORDER

Dean J. Balouris moves (1) for a stay, pending review in this court, of the Merit Systems Protection Board's January 4, 2008 order that modified the Administrative Judge's initial decision and (2) for an order to reinstate Balouris or pay him his salary pending disposition of this petition for review.

The Administrative Judge mitigated the agency's removal of Balouris to a 60-day suspension. On review, the Board modified the decision to sustain the removal. Balouris states that the agency employed Balouris for a period after the Administrative

Judge's initial decision but that the agency removed him after the Board's January 4 order.

In his motion, Balouris states that he is suffering extreme and undue hardship because of his removal. Specifically, Balouris states that his removal from his job is a great financial burden. However, in Sampson v. Murray, 415 U.S. 61, 89-92 (1974), the Supreme Court held that loss of federal employment and earnings is not an irreparable harm warranting interim relief because adequate compensatory or other corrective relief could be available at a later date.

Absent a showing of irreparable harm, Balouris must show a strong likelihood of success on the merits to be entitled to a stay, or interim relief, pending review. See Standard Havens Products v. Gencor Indus., 897 F.2d 511, 512 (Fed. Cir. 1990) (this court considers whether a movant has made a strong showing that he is likely to succeed on the merits, whether the movant will be irreparably injured absent a stay, whether issuance of the stay will substantially injure the other side, and where the public interest lies). See also Hilton v. Braunskill, 481 U.S. 770, 779 (1987) (to obtain a stay, a movant must establish a strong likelihood on the merits or, failing that, nonetheless demonstrate a substantial case on the merits provided that the harm factors militate in his favor). In his motion, Balouris does not establish a strong likelihood of success on the merits.

Accordingly,

IT IS ORDERED THAT:

Balouris's motion is denied.

FOR THE COURT

March 6, 2008

Date

/s/ Sharon Prost

Sharon Prost
Circuit Judge

cc: Christo J. Balouris, Esq.
Jeanne E. Davidson, Esq.

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