

NOTE: This order is nonprecedential.

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

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**RAKHMATULLA ASATOV,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

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2013-3020

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Petition for review of the Merit Systems Protection Board in case no. PH1221120263-W-1.

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**ON MOTION**

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**O R D E R**

The Department of the Army moves to reform the caption to name the Merit Systems Protection Board as respondent, and for a 21-day extension of time for the Board to file its response 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 employing agency is designated as the respondent when the Board

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reaches the merits of the underlying case. Here, the Board dismissed Asatov's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion to reform the caption is granted. The revised official caption is reflected above. The respondent should calculate its brief due date from the date of this order.

FOR THE COURT

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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