

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

REGINALD C. SAMPSON, SR.,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3021

Petition for review of the Merit Systems Protection Board in case no. DA4324120147-I-1.

ON MOTION

PER CURIAM.

O R D E R

The United States Postal Service moves to dismiss Reginald C. Sampson, Sr.'s petition for review for lack of jurisdiction, and, in the alternative, to reform the caption to designate the Merit Systems Protection Board as the respondent.

It appears that Sampson's petition stems from an initial decision of the Merit Systems Protection Board ("Board") and that Sampson has filed a petition for the same action with both the Board and this court. Sampson

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may not simultaneously proceed in both fora. Therefore, if he wishes for his petition for review to proceed in this court, he must dismiss his Board petition.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to dismiss is denied. If Sampson does not notify the court that he has dismissed his petition for review before the Board within 30 days of filing of this order, this petition will be dismissed.

(2) The motion to reform the caption is granted. The revised official caption is reflected above.

(3) The briefing schedule is stayed.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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