

NOTE: This order is nonprecedential.

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

SHERYL TAYLOR,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3037

Petition for review of the Merit Systems Protection Board in No. AT1221120255-W-1.

ON MOTION

PER CURIAM.

O R D E R

Sheryl Taylor moves for leave to supplement her informal brief. She further moves for this court to order the Merit Systems Protection Board (MSPB) and the United States Department of the Treasury/IRS to appoint or assign counsel to her, as well as to sanction the same for withholding federal funds and denying counsel to her

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during her petition before the MSPB. Finally, Taylor moves to strike the respondent's pleadings in this appeal.

Ms. Taylor had previously moved for this court to order the MSPB and the Department of the Treasury/IRS to appoint or assign counsel. That request was denied because this court has no procedure to appoint counsel for a pro se litigant. We treat her subsequent motions for the same relief as a motion for reconsideration. Because this court does not have a procedure for appointing or assigning counsel to pro se litigants, we deny the motion for reconsideration.

Ms. Taylor's informal brief addresses her argument regarding the appointment of counsel by the MSPB. Because it appears that Ms. Taylor's request for sanctions relating to appointment of counsel is intertwined with the merits of her case, we deem it the better course to defer the motion for sanctions to the merits panel.

Ms. Taylor also asks the court to strike the respondent's brief because of their failure to appoint her counsel. We find that to be an insufficient basis to strike the briefs. The respondent's brief addresses the issue of appointment of counsel by the MSPB. The merits panel has discretion to determine the relevance of the arguments presented in the parties' briefs.

Accordingly,

IT IS ORDERED THAT:

(1) The motions for reconsideration of appointment or assignment of counsel are denied.

(2) The motion for sanctions is deferred for consideration by the merits panel. Copies of that motion shall be transmitted to the merits panel.

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(3) The motion to strike the respondent's brief is denied.

(4) The motion to supplement petitioner's brief is granted. Copies of the supplemental brief will be transmitted to the merits panel.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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