

NOTE: This order is nonprecedential.

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

JOHN-PIERRE BANEY,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3088

Petition for review of the Merit Systems Protection Board in No. DA4324120108-I-1.

ON MOTION

O R D E R

The Department of Justice moves without opposition (1) to reform the caption to designate the Merit Systems Protection Board (“Board”) as the respondent and (2) for an extension of time for the respondent to file its 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 reaches the merits of the underlying case. Here, the

2

JOHN-PIERRE BANEY v. MSPB

Board dismissed John-Pierre Baney's petition for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

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

(2) The motion for an extension of time is granted. The respondent's brief is due within 21 days of the date of filing of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

s25