

NOTE: This order is nonprecedential.

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

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**KATHERINE ARCHULETA,**  
Director, Office of Personnel Management,  
*Petitioner*

v.

**TONY D. HOPPER,**  
*Respondent*

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

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2013-3177

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Petition for review of the Merit Systems Protection  
Board in No. CH0731090798-I-3.

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**ON PETITION FOR REHEARING EN BANC**

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Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK,  
MOORE, O'MALLEY, REYNA, WALLACH, TARANTO, and  
CHEN, *Circuit Judges*. \*

PER CURIAM.

### O R D E R

Katherine Archuleta, Director of the Office of Personnel Management ("OPM"), filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by both respondents Tony D. Hopper and the Merit Systems Protection Board. The petition was first referred as a petition for rehearing to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

IT IS ORDERED THAT:

- (1) The petition for rehearing en banc is denied.

The mandate of this court will issue on May 20, 2015.

FOR THE COURT

May 13, 2015  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court

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\* Circuit Judge Hughes did not participate.