

NOTE: This order is nonprecedential.

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

In re: MICHAEL D. WEBB,
Petitioner

2020-100

On Petition for Writ of Mandamus to the Merit Systems Protection Board in No. DC-3443-18-0299-I-1.

ON PETITION

PER CURIAM.

O R D E R

Michael D. Webb petitions for a writ of mandamus “seeking reversal of [this court’s] order, dated January 2, 2019,” and to compel the Merit Systems Protection Board to “commence a long overdue investigation.”

Mr. Webb filed an appeal with the Board, alleging that he improperly was offered a federal job during the time he was a candidate running for Congress. In an April 6, 2018, initial decision, the administrative judge dismissed the appeal for lack of jurisdiction, noting that the “initial decision will become final on May 11, 2018, unless a petition for review is filed by that date.” Mr. Webb filed with the Board a timely petition for review, which remains pending. Mr.

Webb then filed a petition for review with this court, which was dismissed on January 2, 2019, as premature.

Mandamus is an extraordinary remedy, available only where the petitioner shows: (1) a clear and indisputable right to relief; (2) there are no adequate alternative legal channels through which he may obtain that relief; and (3) the grant of mandamus is appropriate under the circumstances. *See Cheney v. U.S. Dist. Court for the Dist. of Columbia*, 542 U.S. 367, 380–81 (2004). Mr. Webb has not met this standard for relief. Mr. Webb may continue to seek relief at the Board. Alternatively, Mr. Webb may ask the Board to withdraw his pending petition at the full Board and then file a petition for review at this court. He therefore clearly has alternative means to obtain relief.

Accordingly,

IT IS ORDERED THAT:

The petition is denied.

FOR THE COURT

October 23, 2019

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner
Clerk of Court