

NOTE: This order is nonprecedential.

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

D'ANDREA L. HARRIS,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2023-1521

Petition for review of the Merit Systems Protection Board in No. CH-0752-16-0501-I-1.

Before CHEN, MAYER, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Because D'Andrea L. Harris pursued discrimination claims before the Merit Systems Protection Board and in her opening brief here, the court directed Ms. Harris to show cause why her case should not be transferred to a United States district court. She has not responded.

We have jurisdiction to review final decisions from the Board, except in “[c]ases of discrimination subject to the provisions of [5 U.S.C. § 7702,” 5 U.S.C. §§ 7703(b)(2), (b)(1)(A). Those cases, which involve appeals to the Board

and allegations of covered discrimination, 5 U.S.C. § 7702(a)(1), belong in district court. 5 U.S.C. § 7703(b)(2); *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420 (2017). Though “explicit waiver of [] discrimination claims . . . effectively converts the case to a standard appeal of the adverse personnel action,” *Harris v. SEC*, 972 F.3d 1307, 1318 (Fed. Cir. 2020), Ms. Harris has not provided such waiver. We therefore find it appropriate to transfer this case pursuant to 28 U.S.C. § 1631 to the United States District Court for the Northern District of Illinois.

Accordingly,

IT IS ORDERED THAT:

The petition for review and all the filings are transmitted to the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1631.

FOR THE COURT

August 17, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow
Clerk of Court