

NOTE: This order is nonprecedential.

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

CYNTHIA LIPSCOMB,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2023-1617

Petition for review of the Merit Systems Protection Board in No. CH-0752-22-0468-I-1.

ON MOTION

Before DYK, CUNNINGHAM, and STARK, *Circuit Judges*.
PER CURIAM.

O R D E R

Because Cynthia Lipscomb pursued discrimination claims before the Merit Systems Protection Board and stated that she did not wish to abandon those claims on judicial review, the court directed the parties to show cause why this case should not be transferred to a United States

district court. Ms. Lipscomb has not responded. The Board urges transfer.

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 “mixed case[s],” which involve adverse actions appealable 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, 431-32 (2017). Because we conclude that this is a mixed case, we find it appropriate to transfer pursuant to 28 U.S.C. § 1631 to the United States District Court for the Northern District of Illinois, where Ms. Lipscomb resides and where the employment action occurred.

Accordingly,

IT IS ORDERED THAT:

Pursuant to 28 U.S.C. § 1631, this case and all transmittals are transferred to the United States District Court for the Northern District of Illinois.

FOR THE COURT

October 4, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow
Clerk of Court