

NOTE: This order is nonprecedential.

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

JULIO C. CASAS,
Petitioner

v.

DEPARTMENT OF HOMELAND SECURITY,
Respondent

2023-1660

Petition for review of the Merit Systems Protection Board in No. DA-0752-17-0182-I-1.

Before LOURIE, HUGHES, and CUNNINGHAM, *Circuit Judges.*

PER CURIAM.

O R D E R

On March 22, 2023, this court received Julio C. Casas's petition for review from the January 19, 2023, final decision of the Merit Systems Protection Board. Having considered the parties' responses to this court's show cause order, the court dismisses the petition as untimely.

Under 5 U.S.C. § 7703(b)(1)(A), a petition to review a final decision by the Board must be filed "within 60 days after the Board issues notice of the final . . . decision." This

statutory filing deadline is jurisdictional and not subject to equitable exceptions. *Fedora v. Merit Sys. Prot. Bd.*, 848 F.3d 1013, 1016 (Fed. Cir. 2017). Thus, although Mr. Casas contends that his failure to timely file is excusable due to a purported miscalculation of the filing deadline, this court may only consider whether his petition was timely and cannot toll based on his personal circumstances. Because the petition was filed outside the 60-day deadline, this court lacks jurisdiction and must dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for review is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

July 10, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court