

NOTE: This order is nonprecedential.

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

TUHIN K. CHAUDHURI,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2023-1890

Petition for review of the Merit Systems Protection Board in No. DA-1221-14-0553-W-2.

Before REYNA, TARANTO, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

Having considered the parties' responses to the court's June 21, 2023, show cause order, we dismiss.

On March 2, 2023, the Merit Systems Protection Board issued its final order denying Tuhin K. Chaudhuri's request for corrective action in his individual right of action appeal. The court received his petition on May 8, 2023, ECF No. 1-2 at 1 (bearing date stamp for "RECEIVED" on "May 08 2023"), 67 days after the Board's final decision.

Under 5 U.S.C. § 7703(b)(1)(A), a petition for this court’s review of a final decision by the Board must be filed “within 60 days after the Board issues notice of the final . . . decision.” This filing deadline is mandatory and jurisdictional, and thus cannot be waived or equitably tolled. *Fedora v. Merit Sys. Prot. Bd.*, 848 F.3d 1013, 1016 (Fed. Cir. 2017). Since filing “requires actual receipt by the court, not just timely mailing,” *id.*; see Fed. R. App. P. 25(a)(2)(A), Dr. Chaudhuri missed the deadline, and we must therefore dismiss for lack of jurisdiction.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

October 19, 2023
Date

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