

NOTE: This order is nonprecedential.

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

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**ERIC J. KOKE,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2023-2137

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Petition for review of the Merit Systems Protection Board in No. PH-0752-17-0202-I-1.

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**ORDER**

The petitioner having failed to file the required Statement Concerning Discrimination, and to file the brief required by Federal Circuit Rule 31 (a) within the time permitted by the rules, it is

2

KOKE V. MSPB

ORDERED that the petition for review be, and the same hereby is, DISMISSED, for failure to prosecute in accordance with the rules.

FOR THE COURT

October 26, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow

Clerk of Court

**ISSUED AS A MANDATE:** October 26, 2023