

NOTE: This order is nonprecedential.

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

PAMELA LONG,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2023-2406

Petition for review of the Merit Systems Protection Board in Nos. CH-1221-18-0286-C-1 and CH-1221-18-0286-W-1.

ON MOTION

Before LOURIE, MAYER, and STARK, *Circuit Judges*.

PER CURIAM.

ORDER

The Department of Veterans Affairs (DVA) moves to dismiss the petition for review as untimely. Pamela Long has since filed her opening brief but has not responded to the motion. We grant the motion and dismiss.

On September 18, 2023, this court received Ms. Long’s petition seeking review of the July 13, 2023, final decision of the Merit Systems Protection Board. Under 5 U.S.C. § 7703(b)(1)(A), “a petition to review a final order or final decision of the Board . . . shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.” This timeliness requirement is jurisdictional, which “precludes equitable exceptions.” *Fedora v. Merit Sys. Prot. Bd.*, 848 F.3d 1013, 1016 (Fed. Cir. 2017); *cf.* Fed. R. App. P. 26(b)(2) (prohibiting this court from extending or reopening the time to file the petition for review “unless specifically authorized by law”). Because this petition was not filed within the 60-day statutory deadline, we dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted. The petition for review is dismissed.
- (2) Each side shall bear its own costs.
- (3) All other pending motions are denied as moot.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 7, 2023
Date