

NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-3173

JOHNNY GONZALEZ,

Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Andrew J. Dhuey, of Berkeley, California, argued for petitioner.

Arlene P. Groner, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were Tony West, Assistant Attorney General, Jeanne E. Davidson, Director, and Martin Hockey, Assistant Director.

Appealed from: Merit Systems Protection Board

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## Judgment

ON APPEAL from the Merit Systems Protection Board

In CASE NO(S). AT3443080260-X-1.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (RADER, ARCHER, and PROST, Circuit Judges).

**AFFIRMED.** See Fed. Cir. R. 36.

*ENTERED BY ORDER OF THE COURT*

*DATED December 11, 2009*

*/s/ Jan Horbaly*  
*Jan Horbaly, Clerk*