

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3192

THEODORE DADE, JR.,

Petitioner,

v.

DEPARTMENT OF COMMERCE,

Respondent.

Petition for review of the Merit Systems Protection Board
in DC0752080605-I-1.

ON MOTION

ORDER

Theodore Dade, Jr. moves for leave to proceed in forma pauperis.

The court notes that Dade's petition was dismissed on June 16, 2009 for failure to pay the fee.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted.

(2) The mandate is recalled, the court's June 16, 2009 dismissal order is vacated, and the petition for review is reinstated.

(3) The Department of Commerce should calculate its brief due date from the date of filing of this order.

FOR THE COURT

NOV 04 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Theodore Dade, Jr.
Dawn E. Goodman, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

NOV 04 2009

JAN HORBALY
CLERK