

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-3279

DAVID GALLOWAY,

Petitioner,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Petition for review of the Merit Systems Protection Board in  
AT0752061173-C-3.

## ORDER

David Galloway has not responded to the court's September 3, 2009 letter informing him that his petition would be dismissed absent a response within 21 days.

Upon consideration thereof,

IT IS ORDERED THAT:

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

**OCT 21 2009**

\_\_\_\_\_  
Date

cc: David Galloway  
Jessica R. Toplin, Esq.

s17

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

**OCT 21 2009**

**JAN HORBALY  
CLERK**