

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3283

RODGER L. JONES,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board in
PH0752020381-C-3.

ON MOTION

Before RADER, Circuit Judge.

ORDER

The court treats Rodger L. Jones' correspondence concerning the timeliness of his petition for review as a motion for reconsideration of the court's previous rejection of his petition for review as untimely.

On April 22, 2009, the Merit Systems Protection Board issued a final decision in Jones v. Department of Health and Human Servs., No. PH-0752-02-0381-C-3, specifying that its decision was final and that any petition for review must be received by this court within 60 calendar days of receipt of the Board's decision. The court received Jones' petition for review on July 6, 2009. Thus, it appears that Jones' petition is untimely.

Accordingly,

IT IS ORDERED THAT:

(1) Jones is directed to respond within 21 days of the date of this order and state on what date he received a copy of the Board's final decision in Jones v. Department of Health and Human Servs., No. PH-0752-02-0381-C-3.

(2) The motion for reconsideration is held in abeyance.

(3) The briefing schedule is stayed.

FOR THE COURT

OCT 26 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Rodger L. Jones
Michael D. Austin, Esq.

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

OCT 26 2009

JAN HORBALY
CLERK