

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-3299

MARCIA V. KNIGHT,

Petitioner,

v.

DEPARTMENT OF LABOR,

Respondent.

Petition for review of the Merit Systems Protection Board  
in PH0432080605-I-1.

ON MOTION

ORDER

Marcia V. Knight moves for reconsideration of the court's order dismissing her petition for review for failure to pay the docketing fee.

Knight notes that her motion for leave to proceed in forma pauperis was granted in another case, 2009-3193. Although Knight should have submitted another motion for leave to proceed in forma pauperis in this case, the court determines that the docketing fee may be waived in the circumstances.

Accordingly,

IT IS ORDERED THAT:

The requirement to pay the docketing fee is waived. The motion for reconsideration will be granted, the mandate will be recalled, the dismissal order will be reinstated, and the petition for review will be reinstated, if Knight files her opening brief (form enclosed) within 21 days of the date of filing of this order.

FOR THE COURT

DEC 18 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Marcia V. Knight (informal brief form enclosed)  
Jeffrey D. Klingman, Esq.

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

DEC 18 2009

JAN HORBALY  
CLERK