

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-3027

MARSHA L. PAYTON,

Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Petition for review of the Merit Systems Protection Board  
in AT0353090770-I-1.

ON MOTION

ORDER

Marsha L. Payton responds to this court's letter asking whether she intends to withdraw her pending petition for review at the Merit Systems Protection Board.

Payton states that she wishes to continue before the Board and thus the petition filed with this court prematurely should be dismissed.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

DEC 14 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Marsha L. Payton  
Carrie A. Dunsmore, Esq.

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ISSUED AS A MANDATE: DEC 14 2009

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

DEC 14 2009

JAN HORBALY  
CLERK