

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MARCELINO G. ESPIRITU,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2010-3163

Petition for review of the Merit Systems Protection Board in case no. SF0831090974-I-1.

ON MOTION

O R D E R

Marcelino G. Espiritu moves for leave to proceed in forma pauperis.

Espiritu's petition was dismissed on September 2, 2010 for failure to pay the fee and for failure to file a Fed. Cir. R. 15(c) statement concerning discrimination.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted.

(2) The mandate will be recalled, the dismissal order will be vacated, and the case will be reinstated, if Espiritu files a completed Fed. Cir. R. 15(c) statement concerning discrimination (form enclosed) and a completed informal brief (form enclosed) within 30 days of the date of filing of this order.

FOR THE COURT

OCT 28 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Marcelino G. Espiritu (Fed. Cir. R. 15(C) form and
Informal Brief Form Enclosed)
Russell J. Upton, Esq.

s20

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

OCT 28 2010

JAN HORBALY
CLERK