

NOTE: This order is nonprecedential.

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

KENNETH P. BEYERS,
Petitioner,

v.

DEPARTMENT OF STATE,
Respondent.

2012-3099

Petition for review of the Merit Systems Protection Board in case no. DC3330110538-1-1.

ON MOTION

Before SCHALL, *Circuit Judge.*

O R D E R

Kenneth P. Beyers moves to amend the certified list with additional documents not before the Merit Systems Protections Board (Board) in this case. The Department of State responds.

This court's review is based upon the record of evidence that was before the Board. *See* Fed. R. App. P.

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10(a)(1). The certified list cannot be expanded to include items not before the Board. Beyers may of course include in the appendix of his brief previous Board orders or decisions.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is denied.
- (2) All other pending motions are denied as moot.
- (3) If Beyers wishes to move for leave to amend his opening brief, that motion must be received by the court within 21 days of the date of this order. If Beyers does not move to amend his opening brief, then the Department of State's brief is due within 40 days of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk