

NOTE: This order is nonprecedential.

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

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**DAVID R. MASON,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent,*

AND

**DEPARTMENT OF HOMELAND SECURITY,**  
*Intervenor.*

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2012-3178

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Petition for review of the Merit Systems Protection Board in case no. AT1221090728-B-1.

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**ON MOTION**

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**ORDER**

The Department of Homeland Security (DHS) moves to reform the caption to name the Merit Systems Protection Board as the respondent, for leave to intervene, and for an extension of time for the Board and DHS to file their response briefs.

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Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. In this case, the Board dismissed the appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. The revised official caption is reflected above. The Board's and DHS' responsive briefs are due within 21 days of the date of filing of this order.

FOR THE COURT

OCT 04 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: David R. Mason  
Antonia Ramos Soares, Esq.  
Calvin Morrow, Esq.

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