

NOTE: This order is nonprecedential.

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

ELMER E. CAMPBELL, JR.,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2013-3166

Petition for review of the Merit Systems Protection Board in No. SF0752100331-M-1.

ON MOTION

O R D E R

The United States Postal Service (“USPS”) moves to reform the caption to designate the Merit Systems Protection Board (“Board”) as the respondent and the USPS as an intervenor in this petition. The USPS also moves for an extension of time to file the response briefs.

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. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed petitioner's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to designate the Board as respondent and the USPS as an intervenor is granted. The revised official caption is reflected above.

(2) The motion for extension of time is granted. The informal response briefs are due 21 days from the date of this order.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court