

NOTE: This order is nonprecedential.

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

ELBERT HICKS,
Petitioner,

v.

UNITED STATES POSTAL SERVICE,
Respondent.

2014-3017

Petition for review of the Merit Systems Protection Board in No. PH-3443-12-0485-I-1.

ON MOTION

Before LOURIE, MOORE, and REYNA, *Circuit Judges.*

PER CURIAM.

ORDER

The United States Postal Service moves without opposition to dismiss Elbert Hicks's appeal from the Merit Systems Protection Board ("Board").

Any petition for review of a Board decision must be filed within 60 days after the Board issues notice of its final order or decision. 5 U.S.C. § 7703(b)(1)(A). The

petition for review must be received by this court before the expiration of § 7703(b)(1)(A)'s filing deadline. *Pinat v. Office of Pers. Mgmt.*, 931 F.2d 1544, 1546 (Fed. Cir. 1991) (citing Fed. R. App. P. 15(a), 25(a)). The 60-day period for appeal is "statutory, mandatory, [and] jurisdictional." *Monzo v. Dep't of Transp.*, 735 F.2d 1335, 1336 (Fed. Cir. 1984).

Mr. Hicks sought our review of Board adjudications in two separate cases. He failed to file a petition for review before the statutory deadline for either case. Because this court did not receive a timely-filed petition for review, we have no authority to decide his case.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted and the case is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

November 26, 2014

Date

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court

C: Elbert Hicks
Daniel S. Herzfeld, Trial Attorney