

NOTE: This order is nonprecedential.

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

JIMMI TYLER REBISH,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3085

Petition for review of the Merit Systems Protection Board in No. SF-1221-13-0494-W-1.

ON MOTION

O R D E R

Jimmi Tyler Rebish moves for leave to proceed in forma pauperis. The Department of the Interior moves to recaption this matter to designate the Merit Systems Protection Board as the respondent.

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. We determine that the Board should be designated as the respondent.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for leave to proceed in forma pauperis is granted.
- (2) The motion to recaption is granted. The revised official caption is reflected above.
- (3) The Board's informal brief is due within 21 days from the date of filing of this order.

FOR THE COURT

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