

NOTE: This order is nonprecedential.

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

COREY DEMOND STOGLIN,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3100

Petition for review of the Merit Systems Protection Board in No. CH-3330-12-0390-I-2.

ON MOTION

O R D E R

The Department of Labor moves to reform the caption to designate the Merit Systems Protection Board (“Board”) as the respondent and for an extension of time for the Board to file its response brief.

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 Corey Demond Stoglin's petition as untimely. Thus, the Board is the proper respondent in this petition for review.

Because Stoglin has not timely filed a brief as required by this court's September 11, 2014 order, his petition is dismissed for failure to prosecute. Thus, the motion for an extension of time is moot.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are granted to the extent that the Board is substituted for the Department of Labor. The revised official caption is reflected above.

(2) The petition is dismissed for failure to timely file a brief.

FOR THE COURT

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

s27

ISSUED AS A MANDATE: November 5, 2014