

NOTE: This order is nonprecedential.

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

RAYMOND REYNOLDS,
Petitioner,

v.

DEPARTMENT OF THE ARMY,
Respondent.

2015-3013

Petition for review of the Merit Systems Protection Board in No. PH-1221-13-0307-W-1.

PER CURIAM.

ORDER

Upon review of this recently docketed petition for review, it appears that Raymond Reynolds's petition was not timely filed.

It appears that on July 3, 2014, the Merit Systems Protection Board (Board) issued its Final Order, finding that the administrative judge correctly dismissed Reynolds's appeal for lack of jurisdiction. The court received Reynolds's petition for review on September 8, 2014, 67 days after the Board issued its final order.

The time for filing a petition for review from a Board decision or order is governed by 5 U.S.C. § 7703(b)(1), which provides in relevant part that “[n]otwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.” 5 U.S.C. § 7703(b)(1)(A). In order to be timely, a petition for review must be received by the court within the filing deadline. *Pinat v. Office of Pers. Mgmt.*, 931 F.2d 1544, 1546 (Fed. Cir. 1991) (petition is filed when received by this court); see also Fed. R. App. P. 25(a)(2)(A). This filing period is “statutory, mandatory, [and] jurisdictional.” *Monzo v. Dep’t of Transp.*, 735 F.2d 1335, 1336 (Fed. Cir. 1984).

Accordingly,

IT IS ORDERED THAT:

- (1) Reynolds is directed to show cause, within 30 days of the date of filing of this order, why this petition should not be dismissed as untimely. The Department of the Army may also respond within that time.
- (2) The briefing schedule is stayed.

FOR THE COURT

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