

NOTE: This order is nonprecedential.

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

TIFFANY HARRIS,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2022-1729

Petition for review of the Merit Systems Protection Board in No. AT-0752-21-0502-I-1.

Before PROST, BRYSON, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Tiffany Harris has indicated that she wishes to continue to pursue her discrimination claim, ECF No. 5 at 3, and in response to the court's order to show cause as to jurisdiction, Ms. Harris requests transfer to the "United States District Court the United States Eleventh Circuit Court of Appeals." ECF No. 15 at 1. The Department of Veterans Affairs responds in support of transfer to the United States District Court for the Northern District of Alabama.

As this court explained in the show cause order, we lack jurisdiction over this matter by operation of 5 U.S.C. § 7703(b)(2) but may transfer it to a court where the action could have been brought pursuant to 28 U.S.C. § 1631. The action could not have been brought directly in a court of appeals but could have been brought in district court pursuant to 42 U.S.C. § 2000e-5. *See also* 5 U.S.C. § 7703(b)(2). The Department points out that the Northern District of Alabama is the district court most convenient to where Ms. Harris was employed at the time of the personnel action involved in this case.

Accordingly,

IT IS ORDERED THAT:

Pursuant to 28 U.S.C. § 1631, this matter and all transmittals are transferred to the United States District Court for the Northern District of Alabama.

FOR THE COURT

July 5, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court