

NOTE: This order is nonprecedential.

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

VELESA DRAUGHN,
Petitioner

v.

DEPARTMENT OF THE ARMY,
Respondent

2024-1430

Petition for review of the Merit Systems Protection Board in No. DC-0752-17-0527-I-1.

Before CHEN, LINN, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

Following this court's February 22, 2024 show cause order, Velesa Draughn urges this court not to dismiss or transfer this matter, while the Department of the Army urges transfer.

The Merit Systems Protection Board affirmed the Army's removal of Ms. Draughn, rejecting her affirmative defenses that the removal was based on disability discrimination and retaliation for protected Equal Employment Opportunity ("EEO") activity. Ms. Draughn seeks judicial

review of the MSPB’s decision and her affirmative defenses.

“Because [Ms. Draughn] complained of a personnel action serious enough to appeal to the MSPB”—here, her removal—“and alleged that the personnel action was based on,” among other things, “discrimination, [s]he brought a mixed case.” *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 432 (2017) (cleaned up); *see* 5 U.S.C. § 7703(b)(2). “Judicial review of such a case lies in district court.” *Perry*, 582 U.S. at 432. Under the circumstances, we agree that transfer to the United States District Court for the District of Maryland (where the employment action appears to have occurred) is appropriate. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

This matter and all case filings are transferred to the United States District Court for the District of Maryland pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

April 12, 2024
Date