

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

FREDERICK L. PITCHFORD

PLAINTIFF

v.

No. 3:06-CV-00044 GTE

**DANIEL MADDEN TURBITT,
UNITED STATES MERIT SYSTEMS PROTECTION BOARD
ADMINISTRATIVE JUDGE**

DEFENDANTS

ORDER

Before the Court is a Petition to Vacate Order filed by Plaintiff Frederick L. Pitchford, *pro se*. Pitchford contends that this Court lacked subject matter jurisdiction when it entered an Order of Dismissal on October 13, 2006 (Docket No. 15) (“Dismissal Order”). Pitchford invoked the Court’s jurisdiction to challenge the actions of an Administrative Law Judge with the United States Merit Systems Protection Board who presided over an appeal of Pitchford’s termination from the United States Postal Services, a federal agency. The motion is hereby DENIED.

The Court’s Dismissal Order was affirmed by the Eighth Circuit Court of Appeals on January 14, 2008. (See Docket No. 23). Pitchford sought a writ of certiorari from the United States Supreme Court to review the Eighth Circuit’s decision. The petition was denied. (See Docket No. 28). This action is closed, and the Court lacks the authority to vacate a Dismissal Order affirmed by the Eighth Circuit Court of Appeals.

IT IS THEREFORE ORDERED THAT Plaintiff’s Motion to Vacate Order (Docket No.

