

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 RONALD SMITH,

No. C 01-3270 CW

5 Plaintiff,

ORDER RETURNING
DOCKET NO. 76 TO
THE CLERK FOR
ASSIGNMENT AS A
NEW ACTION

6 v.

7 JOHN E. POTTER, Postmaster
8 General,

9 Defendant.
10 _____/

11 On March 9, 2012, an order from the Federal Circuit
12 transferring Smith v. United States Postal Service, Case No.
13 SF0752110001-I-1 (M.S.P.B.), Case No. 2011-3184 (Fed. Cir.), to
14 the Northern District of California was docketed in the
15 above-captioned case as Docket No. 76. However, it does not
16 appear that the newly-transferred case is part of, or related to,
17 the above-captioned action.¹
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25 ¹ The newly-transferred case is a petition filed by Ronald
26 Smith for review of a final decision of the Merit Systems
27 Protection Board, which dismissed as moot Mr. Smith's appeal of
28 the United States Postal Service's removal of him from his
position as a mail-processing clerk in September 2010. See Smith
v. U.S. Postal Serv., 2011 MSPB LEXIS 488 (M.S.P.B.), pet. for
review denied, 2011 MSPB LEXIS 3219 (M.S.P.B).

1 Accordingly, the Court returns Docket No. 76 to the Clerk to
2 be docketed as a new case and randomly assigned to a Judge in
3 compliance with General Order 44.

4 If either or both parties believe that the new case is
5 related to the above-captioned case, as defined in Local Rule
6 3-12, they may file an administrative motion to consider whether
7 the cases should be related.

8 IT IS SO ORDERED.

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10 Dated: 3/15/2012


CLAUDIA WILKEN
United States District Judge

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22 The above-captioned case arose out of a complaint filed in
23 2001 by Plaintiff Ronald Smith, who may or may not be the same
24 individual as the petitioner in the newly-transferred case,
25 alleging failure reasonably to accommodate his learning disability
26 and discrimination on the basis of age, race and learning
27 disability in failing to choose him as a supervisor in 1995. This
28 Court granted summary judgment in favor of Defendant John E.
Potter on September 30, 2004. See Docket Nos. 60, 63, 64. The
decision was affirmed by the Ninth Circuit on appeal. Smith v.
Potter, 186 Fed. Appx. 733 (9th Cir.), cert. denied, 549 U.S. 1007
(2006).