

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

LAURIE JOLLY,

Plaintiff,

v.

DEPARTMENT OF THE ARMY,

Defendant.

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CV 116-065

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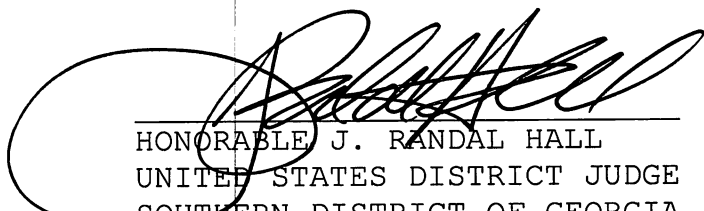
Plaintiff, a former employee of the Dwight D. Eisenhower Army Medical Center, filed this lawsuit in May 2016, challenging the Merit Systems Protection Board's ("MSPB") affirmance of Defendant's decision to remove Plaintiff from service. (Doc. 1.) Because the Court of Appeals for the Federal Circuit has exclusive jurisdiction over appeals from MSPB decisions, the Court dismissed Plaintiff's complaint for lack of jurisdiction. (Doc. 17.)

Following the dismissal of the case, Plaintiff asked the Federal Circuit to review the MSPB's decision. The Federal Circuit dismissed Plaintiff's request as untimely because she did not file it within 60 days after the MSPB issued its decision. (See Doc. 19 at 31-33); 5 U.S.C. § 7703(b)(1)(A).

The Federal Circuit, however, noted that Plaintiff did file this case in this Court within 60 days after the MSPB issued its decision. And according to the Federal Circuit, if this Court vacates its ruling dismissing the case and transfers the case to the Federal Circuit, Plaintiff "could be afforded the benefit of her district court filing date." (Id. at 33.) Plaintiff thus now asks the Court to do just that, and Defendant does not oppose Plaintiff's request.

After careful consideration, the Court **GRANTS** Plaintiff's motion. (Doc. 19.) The Court's previous order (doc. 17) is **VACATED**, and the Clerk is **ORDERED** to **TRANSFER** this case to Court of Appeals for the Federal Circuit. This case will remain **CLOSED**.

**ORDER ENTERED** at Augusta, Georgia this 12<sup>th</sup> day of April, 2017.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA