

NOTICE: This disposition is nonprecedential.

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

LESTER MCDANIEL,
Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,
Respondent.

2012-3049

Petition for review of the Merit Systems Protection Board
in No. SF0752100681-I-1.

JUDGMENT

JEFFREY H. JACOBSON, Jacobson Law Firm, of Tucson,
Arizona, argued for petitioner.

JANE W. VANNEMAN, Senior Trial Counsel, Commer-
cial Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
respondent. With her on the brief were STUART F.
DELERY, Acting Assistant Attorney General, JEANNE E.
DAVISON, Director, and MARTIN F. HOCKEY, Assistant
Director.

THIS CAUSE HAVING BEEN HEARD AND CONSIDERED, IT IS

ORDERED AND ADJUDGED:

PER CURIAM (NEWMAN, BRYSON, and O'MALLEY,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 28, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk