

NOTE: This order is nonprecedential.

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

JOHN FRANCISCO,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

DEPARTMENT OF DEFENSE,
Intervenor.

2012-3090

Petition for review of the Merit Systems Protection Board in case no. SF0752110183-I-1.

ON MOTION

O R D E R

The Department of Defense moves without opposition to reform the caption to name the Merit Systems Protection Board as the respondent and for leave to intervene.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. In this case, the Board dismissed the appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion to reform the official caption and to intervene is granted. The revised official caption is reflected above.

FOR THE COURT

APR 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: R.T. Lee, III, Esq.
Jessica R. Toplin, Esq.
Katherine Smith, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

APR 02 2012

JAN HORBALY
CLERK