

NOTE: This order is nonprecedential.

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

NATHANIEL MCDANIEL,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2012-3183

Petition for review of the Merit Systems Protection Board in case no. SF0353110075-I-2.

ON MOTION

O R D E R

The United States Postal Service (USPS) moves without opposition to reform the caption to name the Merit Systems Protection Board (Board) as respondent and USPS as intervenor.

NATHANIEL MCDANIEL V. MSPB

2

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. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed this appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The revised official caption is reflected above.

(2) The response briefs of the Board and USPS are due within 21 days of the date of filing of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

s21