

NOTE: This order is nonprecedential.

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

WILLIAM O. WAGONER,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2013-3006

Petition for review of the Merit Systems Protection Board in case no. CH0831110115-B-1.

ON MOTION

O R D E R

The court treats William O. Wagoner's October 4, 2012 submission as a motion for reconsideration of the court's September 17, 2012 letter rejecting his petition for review as untimely.

Because Mr. Wagoner's submission provides some indication that his petition was timely filed, the court will accept his petition. To the extent that the Office of Per-

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sonnel Management disagrees, it may raise any jurisdictional arguments in its brief.

Mr. Wagoner has not yet paid the court's filing fee. He must therefore either pay the court's docketing fee or complete and return the enclosed Motion and Declaration for Leave to Proceed in Forma Pauperis within 21 days from the date of filing of this order or this petition will be dismissed.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted.

(2) Mr. Wagoner is directed to either pay the court's docketing fee or complete the enclosed Motion and Declaration for Leave to Proceed in Forma Pauperis within 21 days from the date of filing of this order.

For The Court

/s/ Jan Horbaly

Jan Horbaly

Clerk

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