

NOTE: This order is nonprecedential.

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

JOHN-PIERRE BANEY,
Petitioner,

v.

DEPARTMENT OF JUSTICE,
Respondent.

2013-3088

Petition for review of the Merit Systems Protection Board in No. DA4324120108-I-1.

ON MOTION

O R D E R

John-Pierre Baney moves for leave to proceed in forma pauperis. Mr. Baney previously submitted a Uniformed Services Employment and Reemployment Rights Act (USERRA) notification indicating that his case before the Merit Systems Protection Board involved USERRA claims and thus he is exempt from paying the filing fees.

Pursuant to 38 U.S.C. § 4323(h), if a petitioner claims rights under USERRA, the filing fee is waived. In this

JOHN-PIERRE BANEY v. DOJ

2

case, Baney claimed rights under USERRA before the Board. Thus, Baney is exempt from paying the fee.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied as moot. Mr. Baney does not have to pay the filing fee due to his USERRA claims.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

s24