

NOTE: This order is nonprecedential.

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

KATRINA A. RANDOLPH,
Petitioner,

v.

SMITHSONIAN INSTITUTION,
Respondent.

2013-3106

Petition for review of the Merit Systems Protection Board in No. DC315H120325-I-1.

PER CURIAM.

ORDER

The court considers whether this appeal should be dismissed as untimely.

Katrina A. Randolph petitions for review of a February 22, 2013 decision by the Merit Systems Protection Board. Her petition was initially received by the court on April 25, 2013. Via a letter, the court returned Ms. Randolph's petition to her because it appeared to have been received out of time. A response, received by this court on May 6, 2013, was submitted on Ms. Randolph's behalf.

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That response was construed as a notice of appeal and was docketed as the present appeal.

Accordingly,

IT IS ORDERED THAT:

- (1) Katrina A. Randolph and the Smithsonian Institution are directed to respond within 30 days from the date of filing of this order concerning whether this petition should be dismissed.
- (2) The briefing schedule is stayed.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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