

NOTE: This order is nonprecedential.

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

RENEE PRISCILLA COTHRON-MALLETT,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**
Intervenor.

2014-3035

Petition for review of the Merit Systems Protection Board in No. DC-0752-12-0828-I-1.

ON MOTION

O R D E R

Renee Priscilla Cothron-Mallett moves without opposition for an extension of time, until May 9, 2014, to file her opening brief.

The Equal Employment Opportunity Commission (EEOC) moves to reform the caption to name the Merit Systems Protection Board (Board) as respondent and for the EEOC to remain in the case as an intervenor. Ms. Cothron-Mallett opposes.

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 for an extension of time to file the petitioner's opening brief is granted.
- (2) The motion to designate the Board as the respondent and the EEOC as an intervenor is granted. The revised official caption is reflected above.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court