

NOTE: This order is nonprecedential.

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

SASWATA BASU,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3164

Petition for review of the Merit Systems Protection Board in No. CH-315H-13-0039-I-1.

ON MOTION

O R D E R

The Department of Homeland Security (“DHS”) moves to reform the official caption to name the Merit Systems Protection Board (“Board”) as the respondent, and for an extension of time to file its response brief until 21 days after the later of an order granting the motion to reform the caption or the filing of the certified list.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board’s decision con-

cerns 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 Basu's petition for untimeliness. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

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

(2) The motion for an extension of time to file the response brief is granted to the extent that the Board's response brief is due within 21 days of the date of filing of the certified list.

FOR THE COURT

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