

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-3285

JOSEPH P. CARSON,

Petitioner,

v.

DEPARTMENT OF ENERGY,

Respondent.

Petition for review of the Merit Systems Protection Board in consolidated cases  
AT1221960948-C-7, AT1221980250-C-7, and ATT1221980623-C-7.

ON MOTION

Before MOORE, Circuit Judge.

### ORDER

The Department of Energy moves for leave to file a corrected brief. Joseph P. Carson moves for an extension of time to file his reply brief and moves to strike portions of the agency's revised brief that he asserts are irrelevant. In the alternative, Carson opposes the agency's motion for leave to file a corrected brief. The Department opposes Carson's motion to strike. Carson moves for leave to file a surreply. The Department opposes. Carson replies.

We deem the better course is for Carson to put any arguments concerning the agency's brief in his reply brief.

IT IS ORDERED THAT:

- (1) The Department of Energy's motion is granted.

(2) Carson's motion to strike is denied.

(3) Carson's motion for an extension of time is granted. Carson's reply brief is due within 14 days of the filing of this order.

(4) Carson's motion for leave to file a surreply is denied.

FOR THE COURT

**MAR 19 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

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Jan Horbaly  
Clerk

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

cc: Joseph P. Carson  
Roger A. Hipp, Esq.

**MAR 19 2009**

s20

JAN HORBALY  
CLERK