

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-3315

JERRY L. STEPHENS,

Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Petition for review of the Merit Systems Protection Board in
CH0752070699-I-1.

ON MOTION

Before MAYER, SCHALL, and MOORE, Circuit Judges.

MOORE, Circuit Judge.

ORDER

Jerry L. Stephens moves to reinstate his petition for review.

On September 15, 2008, the court dismissed Stephens' petition for failure to file a Fed. Cir. R. 15(c) statement concerning discrimination. Stephens submitted the 15(c) statement and on October 27, 2008, the court ordered that the mandate would be recalled and his petition would be reinstated if he filed his brief within 30 days.

Now, approximately three months after that 30-day deadline, Stephens moves to reinstate his appeal. Moreover, Stephens' motion to reinstate is without a brief.

Stephens states that he is in need of the transcript. According to Stephens' motions papers, counsel attempted, unsuccessfully, to file a motion for an extension of time during the 30-day deadline to obtain the transcript and file his brief.