

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1079, -1080

JAMES E. SLATE,

Plaintiff-Appellant,

v.

John E. Potter, POSTMASTER GENERAL,
Jeffrey F. Perotta, LABOR RELATIONS MANAGER,
and Roy L. Montague, POSTMASTER,

Defendants-Appellees.

Appeals from the United States District Court for the Middle District of North Carolina in case nos. 1:04-CV-00782 and 1:05-CV-00221, Chief Judge James A. Beaty, Jr.

ON MOTION

Before GAJARSA, LINN, and PROST, Circuit Judges.

PER CURIAM.

ORDER

The court considers whether to consolidate James E. Slate's appeals and to transfer the appeals to the United States Court of Appeals for the Fourth Circuit.

Slate filed an appeal with the Merit Systems Protection Board, challenging his removal from his position at the United States Postal Service (USPS). On March 19, 2003, the Administrative Judge sustained Slate's removal. Slate's petition for full board review was denied on May 10, 2004.

Slate further challenged his removal in complaints filed with the United States District Court for the Middle District of North Carolina. On September 30, 2008, the district court granted summary judgment in favor of the USPS and dismissed Slate's

complaints with prejudice. Slate filed his notices of appeal on October 28, 2008, seeking review by this court.

This court does not have jurisdiction over these appeals. This court's jurisdiction to review decisions of the district courts involves primarily disputes concerning patent infringement or certain lawsuits against the United States. See 28 U.S.C. § 1295. Thus, we deem it appropriate to transfer these appeals to the United States Court of Appeals for the Fourth Circuit, which would have jurisdiction over appeals coming from the United States District Court for the Middle District of North Carolina. See 28 U.S.C. § 1361.

Accordingly,

IT IS ORDERED THAT:

- (1) These appeals are consolidated.
- (2) These appeals are transferred to the United States Court of Appeals for the Fourth Circuit pursuant to 28 U.S.C. § 1631.

FOR THE COURT

FEB 6 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: James E. Slate
Shari A. Rose, Esq.

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

FEB 06 2009

JAN HORBALY
CLERK