

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-3031

ERLINDA POBLETE (surviving spouse of Lorenzo Poblete),

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Petition for review of the Merit Systems Protection Board in  
SF0831080325-I-1.

ON MOTION

Before LINN, Circuit Judge.

## ORDER

We construe the Office of Personnel Management (OPM)'s "suggestion of death" as a motion to reform the caption.

It appears that Lorenzo Poblete died while his appeal was pending before the Merit Systems Protection Board. The Board noted in its decision that his surviving spouse, Erlinda Poblete had been substituted as the respondent, but did not reform the caption to name her the proper respondent. Any further documents submitted by the petitioner must be signed by Erlinda Poblete.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The revised official caption is reflected above.
- (2) OPM's brief is due within 21 days of the date of filing of this order.

FOR THE COURT

**APR 21 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Lorenzo Poblete  
Roger A. Hipp, Esq.  
s19

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

**APR 21 2009**

**JAN HORBALY  
CLERK**