

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3047

JAIME NAZARIO,

Petitioner,

v.

DEPARTMENT OF JUSTICE,

Respondent.

Petition for review of the Merit Systems Protection Board in consolidated case nos. DC0752080002-B-1 and DC0752080425-I-1.

ON MOTION

Before DYK, Circuit Judge.

ORDER

Jaime Nazario moves the court to accept his untimely brief and moves to “file evidence.”

Nazario states that he wishes to include in the appendix a transcript of a recording of a May 8, 2008 teleconference. The court notes that the transcript submitted by Nazario does not appear to be an official Merit Systems Protection Board transcript. The court grants Nazario’s motions; however, the merits panel is, of course, free to strike or disregard the transcript and any references to the transcript in Nazario’s brief.

Accordingly,

IT IS ORDERED THAT:

- (1) Nazario’s motion to include the transcript in the appendix is granted.

- (2) Nazario's motion for the court to accept his untimely brief is granted.
- (3) The Department of Justice should calculate the due date for its brief from the date of filing of this order.
- (4) A copy of this order shall be transmitted to the merits panel assigned to decide this case.

FOR THE COURT

FEB 24 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Jaime Nazario
Richard P. Schroeder, Esq.

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

FEB 24 2009

**JAN HORBALY
CLERK**