

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3073

FAE DRISCOLL,

Petitioner,

v.

UNITED STATES POSTAL SERVICE,

Respondent.

Petition for review of the Merit Systems Protection Board
in SF075270409-I-1.

ON MOTION

Before LINN, Circuit Judge.

ORDER

Fae Driscoll moves for reconsideration of the court's order dismissing her petition for review and for an extension of time to file her opening brief.

Driscoll petitioned this court for review in December of 2008. Counsel for Driscoll attempted to submit documents to the court on behalf of Driscoll without having become a member of the bar of the court and without having properly entered an appearance. The court rejected the submissions and informed counsel that he must apply to become a member of the court's bar. After the deadline for filing a brief had passed, the court dismissed the petition for review on March 11, 2009, noting that counsel had not become a member of the court's bar.

Counsel has now become a member of the court's bar. It appears that the counsel's completed application arrived in the clerk's office in the afternoon after the dismissal order, which issued in the morning.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions will be granted, the mandate will be recalled, the dismissal order will be vacated, and the petition for review will be reinstated, if Driscoll files her opening brief within 30 days of the date of filing of this order.

FOR THE COURT

APR 13 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Keith Goffney, Esq.
Michelle A. Windmueller, Esq.

APR 13 2009

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JAN HORBALY
CLERK