

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-3090

CARL E. ROSS,

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Petition for review of the Merit Systems Protection Board in  
DC0831080735-I-1.

ON MOTION

ORDER

Carl E. Ross moves without opposition to voluntarily dismiss petition for review no. 2009-3090 and requests that the court refund the filing fee.

The court is required to deposit filing fees with the Treasury Department immediately upon receipt and, unfortunately, cannot refund any fee once it has been deposited. See Practice Note, Fed. Cir. R. 52.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to voluntarily dismiss the petition is granted.

(2) Each side shall bear its own costs.

FOR THE COURT

**MAR 10 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

cc: Carl E. Ross  
Kenneth S. Kessler, Esq.

**MAR 10 2009**

s17

**MAR 10 2009**

**JAN HORBALY**  
**CLERK**

ISSUED AS A MANDATE: \_\_\_\_\_