

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-3127

KELLY S. JENNINGS,

Petitioner,

v.

SOCIAL SECURITY ADMINISTRATION,

Respondent.

Petition for review of the Merit Systems Protection Board in  
CB7521070026-T-1.

ON MOTION

Before MICHEL, Chief Judge, FRIEDMAN and LINN, Circuit Judges.

LINN, Circuit Judge.

### ORDER

Kelly S. Jennings moves for this court to stay proceedings in an action before the United States District Court for the Northern District of Georgia, pending this court's disposition of his petition for review from a decision of the Merit Systems Protection Board. Jennings also seeks other various relief. The Social Security Administration opposes.

Jennings was employed as an Administrative Law Judge at the Administration. The Administration initiated proceedings at the Board and was ultimately successful in having Jennings removed from that position. Jennings petitioned this court for review of that decision. Meanwhile, the United States filed a complaint in the Northern District of Georgia seeking to collect from Jennings a monetary debt allegedly owed as a result of

payments made to Jennings while he was on leave without pay. Jennings moves this court to stay proceedings in the district court pending our disposition of his petition from the Board decision and seeks other various relief.

Jennings' request to direct the district court to stay its proceedings is a request in the nature of mandamus. We would have mandamus jurisdiction only over a case in which we would eventually have appellate jurisdiction. 28 U.S.C. § 1651 ("The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions . . . ."); In re Makari, 708 F.2d 709, 711-712 (Fed. Cir. 1983) (dismissing petition for writ of mandamus due to lack of appellate jurisdiction to review decision of Commissioner). To the extent that we would treat Jennings' motion as a petition for writ of mandamus, we dismiss it on the ground that we would have no jurisdiction over the matter before the district court. To the extent that Jennings requests other various relief, he has not shown entitlement to such relief and those requests are denied.

Accordingly,

IT IS ORDERED THAT:

The motion for a stay is dismissed in part and denied in part.

FOR THE COURT

**MAR 23 2010**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Norman H. Jackman, Esq.  
Austin M. Fulk, Esq.

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

**MAR 23 2010**

**JAN HORBALY**  
**CLERK**