

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3200

YOLANDA C. GIBSON-MICHAELS,

Petitioner,

v.

FEDERAL DEPOSIT INSURANCE CORPORATION,

Respondent.

Petition for review of the Merit Systems Protection Board in
DC1221080698-W-1.

ON MOTION

Before GAJARSA, Circuit Judge.

ORDER

Yolanda C. Gibson-Michaels moves to strike the brief filed by the Federal Deposit Insurance Corporation (FDIC). FDIC opposes.

Gibson-Michaels argues that the FDIC's brief should be stricken because (1) certain government attorneys whose names appear on the brief did not enter appearances, (2) certain government attorneys are not registered to practice law in the District of Columbia or before this court, and (3) the brief and supplemental appendix were untimely filed. Gibson-Michaels further contends that FDIC improperly filed an informal brief because informal briefs "are reserved for [pro se] litigants."

Pursuant to Fed. Cir. R. 47.3(a), government attorneys are not required to file an entry of appearance if "by reason of their status as supervisors or heads of offices. [they] are listed on briefs in their ex officio capacity." Further, the court does not require

counsel to be a member of the bar of the District of Columbia and government attorneys "may appear before this court in connection with [their] official duties without formal admission to the bar of the court." Fed. Cir. R. 46(d). Gibson-Michaels does not provide arguments in support of her contention that FDIC's brief and appendix were untimely filed and the court's records reflect that FDIC filed its brief on August 12, 2009, 20 days after Gibson-Michaels filed her brief and within the time limit permitted by Fed. Cir. R. 31(e)(2). Finally, FDIC is authorized to file an informal brief in this case pursuant to Fed. Cir. R. 28(g) ("When the appellant or petitioner files an informal brief, the appellee or respondent may elect to file an informal brief").

Accordingly,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

SEP 17 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Yolanda C. Gibson-Michaels
Gregg M. Schwind, Esq.

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

SEP 17 2009

JAN HORBALY
CLERK