

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CAULTON D. ALLEN,
Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent.

2010-3088, -3178

Petitions for review of the Merit Systems Protection Board in case no. DC0752070694-C-3 and DC0752070694-C-4.

ON MOTION

ORDER

Caulton D. Allen moves for reconsideration of the court's June 24, 2010 order dismissing his petition for review and moves to consolidate 2010-3088 and 2010-3178. The Department of Veterans Affairs has not responded. Allen moves for a waiver of the filing fee in 2010-3178.

In 2010-3088, Allen moved to voluntarily dismiss his petition for review. Allen now states that his motion to

dismiss was "filed in error." The court agrees that reconsideration is appropriate.

In 2010-3088, Allen challenges a decision of the Merit Systems Protection Board denying his petition for enforcement of a settlement agreement. In 2010-3178, Allen challenges a decision of the Board determining that he was precluded from relitigating part of his petition for enforcement based on the decision underlying 2010-3088 and denying his petition for enforcement. Because the cases involve similar issues, the court agrees that consolidation is appropriate.

Allen requests that the court waive the filing fee in 2010-3178 because he states that "payment of fees in both appeals would be a duplication of the payment of filing fees." With his request, Allen submits an in forma pauperis form with his name and signature but no information concerning his income, assets, or expenses.

The court disagrees with Allen that payment of the fee in both cases would be duplicative. Allen submitted two petitions for review seeking review of two Merit Systems Protection Board decisions. To the extent that Allen seeks waiver of the filing fee, he must submit a properly completed in forma pauperis form.

Accordingly,

IT IS ORDERED THAT:

(1) The motions for reconsideration are granted. The court's June 24 order dismissing 2010-3088 is vacated, the mandate is recalled, and the petition is reinstated.

(2) The motion to consolidate is granted. The revised official caption is reflected above.

(3) Allen's brief is due within 21 days of the date of filing of this order.

(4) Allen's motion for a waiver of the filing fee in 2010-3178 is denied without prejudice to renewal. Allen must pay the fee in 2010-3178 or submit a properly completed in forma pauperis form within 14 days of the date of filing of this order or the petition will be dismissed.

FOR THE COURT

SEP 30 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Caulton D. Allen
Vincent D. Phillips, Esq.
Brian M. Simkin, Esq.

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

SEP 30 2010

JAN HORBALY
CLERK