

NOTE: This order is nonprecedential.

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

MICHELLE BARBARA BUSH,
Petitioner,

v.

FEDERAL TRADE COMMISSION,
Respondent,

and

JILL E. COLEMAN,
Respondent.

2010-3113

Petition for review of the Merit Systems Protection
Board.

ON MOTION

O R D E R

Michelle Barbara Bush moves for leave to proceed in forma pauperis and for a 60-day extension of time to file her brief. We also consider whether this petition for review should be dismissed as untimely filed.

In March of 2010, Bush filed a complaint in the United States District Court for the District of Columbia, alleging fraud related to a 1996 Merit Systems Protection Board decision. The district court treated the complaint as seeking review of the Board decision and transferred the complaint to this court. In 1996, the statute governing our review of a petition for review of a Board decision required that the petition be received within 30 days after the date the petitioner received notice of the final order or decision of the Board. 5 U.S.C. § 7703(b)(1) (1996).^{*} Because Bush is attempting to seek review of a 1996 Board decision more than 13 years after it issued, it appears that we lack jurisdiction over her petition because it was not timely filed. *Oja v. Dep't of Army*, 405 F.3d 1349 (Fed. Cir. 2005) (dismissing as untimely a petition that was transferred from district court, when filing date at district court was beyond time to seek review of Board decision by this court).

Accordingly,

IT IS ORDERED THAT:

(1) The motion for leave to proceed in forma pauperis is granted.

(2) Bush is directed to show cause, within 28 days from the date of filing of this order why this petition should not be dismissed as untimely. The respondents should also respond within that time.

(3) The briefing schedule is stayed. The motion for an extension of time is moot.

* In 1998, the statute was amended to allow 60 days to seek review of a Board decision.

FOR THE COURT

MAY 20 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michelle B. Bush
Chad B. Bungard, Esq.
Patryk J. Drescher, Esq.

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

MAY 20 2010

JAN HORBALY
CLERK