

NOTE: This order is nonprecedential.

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

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**DAVID P. GESSERT,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

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2010-3115

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Petition for review of the Merit Systems Protection Board in case no. DC0752090149-I-2.

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**ON MOTION**

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**O R D E R**

David P. Gessert moves for oral argument

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for oral argument is deferred for consideration by the merits panel assigned to hear the case.

(2) A copy of this order shall be transmitted to the merits panel.

FOR THE COURT

NOV 1 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Matthew C. Mousley, Esq.  
Calvin Morrow, Esq.

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

NOV 01 2010

JAN HORBALY  
CLERK