

NOTE: This order is nonprecedential.

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

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**DIANE L. BEATREZ,**  
*Petitioner,*

v.

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

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2010-3145

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Petition for review of the Merit Systems Protection Board in case no. CB1215080015-T-1.

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**ON MOTION**

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Before LINN, DYK, and PROST, *Circuit Judges.*  
PROST, *Circuit Judge.*

**O R D E R**

Diane Beatrez moves for a stay, pending review in this court, of the Merit Systems Protection Board's May 14, 2010 order requiring the United States Coast Guard to suspend Beatrez without pay for ten days. The Merit Systems Protection Board moves for leave to intervene for purposes of moving to reform the official caption to desig-

nate the Board as the respondent and opposes Beatrez's motion to stay. Beatrez replies. Separately, Counsel for Beatrez moves without opposition for leave to withdraw as counsel and moves to stay the briefing schedule until Beatrez obtains new counsel. We treat the motion to stay the briefing schedule as a motion for an extension of time.

The Administrative Judge dismissed the Office of Special Counsel's complaint against Beatrez alleging that she violated 5 U.S.C. § 2302(b)(6) by granting a preference or advantage to a Coast Guard employee to improve his chances of obtaining a promotion. On review, the Board reversed the initial decision, determined that Beatrez violated § 2302(b)(6) by aiding or abetting another employee who violated the statute, and ordered the Coast Guard to suspend her for ten days without pay.

In her motion, Beatrez asserts that she is suffering extreme and undue hardship because of her suspension. Specifically, Beatrez states that her suspension will cause her shame and will damage her professional reputation. However, in *Sampson v. Murray*, 415 U.S. 61, 89-92 (1974), the Supreme Court held that loss of federal employment and earnings, humiliation, or damage to one's reputation are not irreparable harms warranting interim relief in a case involving discipline of a federal employee.

Accordingly,

IT IS ORDERED THAT:

- (1) The Board's motions are granted. The revised official caption is reflected above.
- (2) Beatrez's motion to stay her suspension, pending review, is denied.
- (3) The motion for leave to withdraw as counsel is granted.

(4) The motion for an extension of time is granted in part. Beatrez's brief is due within 90 days of the date of filing of this order.

FOR THE COURT

OCT 26 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Robert Bruce, Esq.  
Calvin M. Morrow, Esq.

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

OCT 26 2010

JAN HORBALY  
CLERK