

NOTE: This order is nonprecedential.

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

MARCELINO G. ESPIRITU,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2010-3163

Petition for review of the Merit Systems Protection Board in case no. SF0831090974-I-1.

ON MOTION

O R D E R

Marcelino G. Espiritu submits an informal brief out of time. He explains that the address used to send him a recent court order was incorrect.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The mandate is recalled, the court's previous dismissal order is vacated, the petition is reinstated, and the informal brief is accepted for filing.

(2) The respondent should calculate its brief due date from the date of filing of this order.

FOR THE COURT

FEB 28 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Marcelino G. Espiritu
Russell J. Upton, Esq.

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

FEB 28 2011

JAN HORBALY
CLERK