

NOTE: This order is nonprecedential.

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

SIXTO DELA CRUZ,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2010-3165

Petition for review of the Merit Systems Protection
Board in case no. SF0831090823-I-1.

ON MOTION

O R D E R

The court treats Sixto Dela Cruz's filing of his opening brief as a motion for reconsideration of the court's November 18, 2010 order dismissing this petition for review for failure to file a brief.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted, the mandate is recalled, the petition is reinstated, and Dela Cruz's brief is accepted for filing.

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

FOR THE COURT

JAN 19 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Sixto Dela Cruz
J. Hunter Bennett, Esq.

s20

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

JAN 19 2011

JAN HORBALY
CLERK