

NOTE: This order is nonprecedential.

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

ANTHONY T. LEE,
Petitioner,

v.

DEPARTMENT OF THE ARMY,
Respondent.

2010-3176

Petition for review of the Merit Systems Protection Board in case no. DC0752100186-I-1.

ON MOTION

O R D E R

Anthony T. Lee moves without opposition for leave to proceed in forma pauperis.

We note that on September 17, 2010 this court received notice that Lee's petition was then pending before the Merit Systems Protection Board. On October 26, 2010, the Board issued an order dismissing Lee's petition on the ground that he moved to withdraw to seek review in this court.

Upon consideration thereof,

IT IS ORDERED THAT:

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

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

FOR THE COURT

NOV 19 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Anthony Lee
Jeffrey D. Klingman, Esq.

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

NOV 19 2010

JAN HORBALY
CLERK