

NOTE: This order is nonprecedential.

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

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**SHERMAN HOWARD,**  
*Petitioner,*

v.

**DEPARTMENT OF THE AIR FORCE,**  
*Respondent.*

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2010-3177

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Petition for review of the Merit Systems Protection  
Board in case no. DA0752090172-I-1.

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**ON MOTION**

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Before GAJARSA, *Circuit Judge.*

**ORDER**

The Department of the Air Force moves to remand this case to the Merit Systems Protection Board for further proceedings. Sherman Howard opposes. The Department moves for an extension of time to file a reply and has filed its reply.

Upon consideration thereof,

IT IS ORDERED THAT:

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

(2) The parties are directed to file three additional copies of the motion, opposition, and reply within 10 days of the date of filing of this order. Those copies shall be transmitted to the merits panel along with a copy of this order.

(3) The Department's motion for an extension of time is granted.

FOR THE COURT

MAY 31 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Marshall D. White, Esq.  
Joshua E. Kurland, Esq.

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

MAY 31 2011

**JAN HORBALY**  
**CLERK**