

NOTE: This order is nonprecedential.

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

WILLIAM H. ARMSTRONG,
Petitioner,

v.

DEPARTMENT OF THE TREASURY,
Respondent.

2011-3015

Petition for review of the Merit Systems Protection Board in case no. DC0752080188-M-1.

ON MOTION

Before PROST, *Circuit Judge.*

O R D E R

William H. Armstrong moves without opposition to adopt the corrected appendix previously filed in related case 2009-3115. Armstrong further moves without opposition to take judicial notice of two documents filed in a

court proceeding, *Armstrong v. Thomas*, No. 10-CV-00945 (D. D.C. 2010).*

The adoption of the appendix filed in an earlier case is not proper. Judicial notice may be appropriate with respect to public documents and decisions of other courts. However, the relevance of such materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to adopt the earlier appendix is denied. Armstrong's joint appendix for this case, including only documents cited by the parties in this petition and items required by Fed. Cir. R. 30, is due within 15 days of the date of filing of this order.

(2) The motion to take judicial notice is granted. A copy of this order shall be transmitted to the merits panel assigned to hear this case, to inform the panel regarding the documents.

FOR THE COURT

AUG 01 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Kevin E. Byrnes, Esq.
Christopher Bowen, Esq.

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* Armstrong misidentifies the case name and number in the motion, but attached the three documents at issue for judicial notice from Case No. 10-CV-00945.

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

AUG 01 2011

JAN HORBALY
CLERK