

NOTE: This order is nonprecedential.

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

SYLVESTER E. HARDING, III,
Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent.

2011-3091

Petition for review of the Merit Systems Protection Board in case no. DA0752100064-I-1.

ON MOTION

O R D E R

Sylvester Harding, III moves for summary judgment in this petition for review. The Department of Veterans Affairs opposes Harding's motion.

Summary judgment is not appropriate in a court of appeals. Arguments concerning the merits of a case should be placed in the briefs.

Accordingly,

IT IS ORDERED THAT:

The motion is denied. Harding's brief (form enclosed) is due within 30 days of the date of filing of this order.

FOR THE COURT

MAY 16 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Sylvester E. Harding, III (informal brief form enclosed)

Armando A. Rodriguez-Feo, Esq.

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

MAY 16 2011

JAN HORBALY
CLERK