

NOTE: This order is nonprecedential.

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

CHESTER A. WILDER, JR.,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2011-3105

Petition for review of the Merit Systems Protection Board in case no. AT315H100987-I-1.

ON MOTION

O R D E R

Chester A. Wilder, Jr. moves for leave to replace his informal brief received by the court on April 7, 2011 and submits the replacement informal brief.

The Department of the Navy moves to recaption to designate the Merit Systems Protection Board as respondent. Wilder does not oppose.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision con-

cerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed Wilder's appeal for lack of jurisdiction.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motions are granted. The replacement informal brief is accepted for filing. The revised official caption is reflected above.

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

FOR THE COURT

JUL 15 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Chester A. Wilder, Jr.
Robert C. Bigler, Esq.
Katherine M. Smith, Esq.

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

JUL 15 2011

JAN HORBALY
CLERK