

NOTE: This order is nonprecedential.

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

DAVID M. PECARD,
Petitioner,

v.

DEPARTMENT OF AGRICULTURE,
Respondent.

2011-3151

Petition for review of the Merit Systems Protection Board in case no. DA3330090730-B-1.

ON MOTION

ORDER

David M. Pecard moves to strike respondent's brief as untimely filed. The Department of Agriculture moves for leave to file its opposition to the motion, and opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Pecard's motion is denied.

(2) The motion for leave to file an opposition is granted.

FOR THE COURT

AUG 15 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: David M. Pecard
Jeffrey D. Klingman, Esq.

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

AUG 15 2012

JAN HORBALY
CLERK