

NOTE: This order is nonprecedential.

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

TIMOTHY J. TIERNEY,
Petitioner,

v.

DEPARTMENT OF JUSTICE,
Respondent.

2011-3159

Petition for review of the Merit Systems Protection Board in case no. DA3443060659-I-2.

ON MOTION

O R D E R

Timothy J. Tierney moves without opposition to stay proceedings in this appeal pending the court's disposition of *Duncan v. Dep't of the Air Force*, 2011-3053 and for an extension of time to file his initial brief.

Tierney asserts that this case and *Duncan* both involve evidentiary issues related the proper administration

of military leave under the Uniformed Services Employment and Reemployment Rights Act of 1994.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay is granted. Tierney is directed to inform the court within 30 days of the disposition of *Duncan* how he believes this appeal should proceed. The Department of Justice may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear *Duncan*.

(3) The motion for an extension of time is denied as moot.

FOR THE COURT

DEC 09 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Andrew L. McNamara, Esq.
Michael P. Goodman, Esq.

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

DEC 09 2011

JAN HORBALY
CLERK