

NOTE: This order is nonprecedential.

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

KURT CHADWELL,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

OFFICE OF PERSONNEL MANAGEMENT,
Intervenor.

2011-3174

Petition for review of the Merit Systems Protection Board in DA300A090680-I-1.

ON MOTION

O R D E R

Kurt Chadwell moves to compel the Merit Systems Protection Board ("Board") to produce to him the complete administrative record of his appeal before the Board. Separately, Chadwell seeks an extension of time, until

February 10, 2012, to file his initial brief. The Board did not respond to either motion.

On August 9, 2011, this court received the Board's certified list of documents in the administrative record of Chadwell's appeal to the Board, submitted pursuant to Federal Circuit Rule 17. Chadwell states that he requested a copy of these documents on August 15, 2011. He states that he subsequently received a compact disc from the Board, purporting to include an electronic copy of the "complete record." According to Chadwell, he recently discovered that the disc did not include all of the documents identified on the Board's certified list.

All the documents Chadwell identifies by number as missing from the disc correspond to documents identified by the certified list as submissions by the Appellant, *i.e.*, by Chadwell himself. Chadwell has not asserted that he lacks copies, albeit not on the disc provided by the Board, of these documents. Rather, Chadwell avers that he should not be expected to file his brief "until after Respondent has provided Petitioner with a complete copy of the administrative record."

Because Chadwell asserts only that he lacks a copy *from the Board* of these documents, rather than that he lacks *any* copies of these documents, he has not demonstrated a harm that would justify further consideration of his motion to compel. In any event, as noted in the court's Guide for Pro Se Petitioners, paragraph # 11, requests for portions of the record must be directed to the Board.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to compel is denied.

(2) The motion for an extension of time is granted. Chadwell's initial brief is due on or before February 10, 2012. No further extensions should be anticipated.

FOR THE COURT

FEB 03 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Kurt Chadwell
Jeffrey Gauger, Esq.
Matthew F. Scarlato, Esq.

s23

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

FEB 03 2012

JAN HORBALY
CLERK