

NOTE: This order is nonprecedential.

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

HERBERT E. GREGORY,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2011-3178

Petition for review of the Merit Systems Protection Board in case no. DC0731110018-I-1.

ON MOTION

O R D E R

The General Services Administration moves to reform the official caption to designate the Merit Systems Protection Board as the respondent, and for an extension of time for the Board to file its brief. Herbert E. Gregory opposes the motion to reform the caption.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns 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. We determine that the Board should be designated as the respondent.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are granted. The revised official caption is reflected above.

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

FOR THE COURT

SEP 27 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Herbert E. Gregory
Devin A. Wolak, Esq.
Calvin Morrow, Esq. (Copy of Petitioner's Informal Brief Enclosed)

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

SEP 27 2011

JAN HORBALY
CLERK