

NOTE: This order is nonprecedential.

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

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**DOUGLAS W. ABRUZZO,**  
*Petitioner,*

v.

**SOCIAL SECURITY ADMINISTRATION,**  
*Respondent.*

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2011-3218

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Petition for review of the Merit Systems Protection Board in case no. CB7521100014-T-1.

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**ON MOTION**

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Before BRYSON, SCHALL, and PROST, *Circuit Judges.*

PER CURIAM.

**O R D E R**

Douglas W. Abruzzo moves for "extraordinary relief," i.e. reinstatement to his position, pending this court's review of his petition for review. The Social Security Administration (the SSA) moves for an extension of time to file its response and opposes Abruzzo's motion. Abruzzo replies.

The SSA sought to remove Abruzzo from his position as administrative law judge based on four charges: failure to follow instructions, failure to follow a direct order to treat coworkers and the public with courtesy, conduct unbecoming an administrative law judge, and failure to follow a direct order to conduct certain scheduled hearings. The administrative law judge assigned to Abruzzo's case found that the agency had established good cause to remove Abruzzo and authorized his removal. The Merit Systems Protection Board denied Abruzzo's petition for review of that decision.

Abruzzo asserts that he will suffer "several financial hardship" during the proceedings at this court. The Supreme Court has held that the loss of earnings due to loss of Federal employment is not irreparable harm because adequate relief may be available later. *Sampson v. Murray*, 415 U.S. 61, 89-92 (1974). Absent a showing of irreparable harm, the movant must show a strong likelihood of success on the merits to be entitled to a stay, or interim relief, pending review. See *Standard Havens Products v. Gencor Indus.*, 897 F.2d 511, 512 (Fed. Cir. 1990). Abruzzo has not made such a showing in his motion.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for extraordinary relief is denied.
- (2) The motion for an extension of time is granted.

FOR THE COURT

NOV 17 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

NOV 17 2011

JAN HORBALY  
CLERK

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cc: Douglas W. Abruzzo  
Allison Kidd-Miller, Esq.

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