

NOTE: This order is nonprecedential.

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

---

**LORICO S. EDWARDS,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

---

2011-3236

---

Petition for review of the Merit Systems Protection Board in case no. SF0752110678-I-1.

---

**ON MOTION**

---

**O R D E R**

The Department of Defense moves to recaption to name the Merit Systems Protection Board as respondent. Lorico S. Edwards opposes.

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. Here,

the Board dismissed Edwards' appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above.

FOR THE COURT

FEB 09 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Lorico S. Edwards  
William P. Rayel, Esq.  
James M. Eisenmann, Esq.

s21

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

FEB 09 2012

JAN HORBALY  
CLERK