

NOTE: This order is nonprecedential.

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

PATRICK H. OGUMA,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3053

Petition for review of the Merit Systems Protection Board in case no. SF3443110113-I-1.

ON MOTION

O R D E R

The Department of the Navy moves to recaption to name the Merit Systems Protection Board as respondent. Also, the Department of the Navy moves for a 21-day extension of time for the Board to file its brief.

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 Oguma's 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. The Board's response brief is due within 21 days of the date of filing of this order.

FOR THE COURT

MAR 12 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Patrick H. Oguma
Russell J. Upton, Esq.
Lindsey Schreckengost, Esq.

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

MAR 12 2012

JAN HORBALY
CLERK