

NOTE: This order is nonprecedential.

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

STEPHEN W. GINGERY,
Petitioner,

v.

DEPARTMENT OF THE TREASURY,
Respondent.

2012-3057

Petition for review of the Merit Systems Protection Board in consolidated case nos. CH3330110126-I-1 and CH3330110127-I-1.

ON MOTION

PER CURIAM.

ORDER

Stephen W. Gingery moves to reject the Merit System Protection Board's certified index and to withdraw his motion to extend the filing deadline. The Department of the Treasury opposes his motion to reject the index and takes no position on the filing deadline.

Mr. Gingery argues that the index should be rejected because it is missing critical documents. The index, however, includes documents from both underlying cases before the MSPB, which the MSPB consolidated. It includes the documents that Mr. Gingery contends are missing, except for discovery responses, which are not typically included in the index.

Mr. Gingery's request to withdraw his motion for an extension of time was predicated on filing a new index. Because we deny his motion to reject the index, we also deny his request to withdraw his motion for an extension of time.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to reject the certified index is denied.

(2) The motion to withdraw the motion for an extension of time to file Mr. Gingery's opening brief is denied. His brief is due no later than April 2, 2012.

FOR THE COURT

MAR 23 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Stephen W. Gingery
Devin A. Wolak, Esq.

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

MAR 23 2012

JAN HORBALY
CLERK