

NOTE: This order is nonprecedential.

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

CHRISTINE COBELL,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3080

Petition for review of the Merit Systems Protection Board in case no. DE0752090455-I-1.

ON MOTION

O R D E R

The Department of Health and Human Services moves without opposition to recaption to name the Merit Systems Protection Board as respondent, and for a 40-day extension of time to file a response 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 Cobell's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. The revised official caption is reflected above. The Board should calculate its brief due date from the date of service of the petitioner's initial brief.

FOR THE COURT

APR 06 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Brenda Lindlief-Hall, Esq.
Alex P. Hontos, Esq.
Lindsey Schreckengost, Esq.

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

APR 06 2012

JAN HORBALY
CLERK