

NOTE: This order is nonprecedential.

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

SHIKIK T. JOHNSON,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3096

Petition for review of the Merit Systems Protection Board in case no. PH315H110386-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 and for an 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 Johnson'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 filing of this order.

FOR THE COURT

JUN 06 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Shikik T. Johnson
Robert C. Bigler, Esq.
Lindsey Schreckengost, Esq.

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

JUN 06 2012

JAN HORBALY
CLERK