

NOTE: This order is nonprecedential.

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

STEVEN L. TWENTER,
Petitioner,

v.

UNITED STATES POSTAL SERVICE,
Respondent.

2012-3116

Petition for review of the Merit Systems Protection
Board in case no. CH752S110627-I-1.

ON MOTION

Before RADER, *Chief Judge*, LOURIE and SCHALL, *Circuit
Judges.*

SCHALL, *Circuit Judge.*

ORDER

The court construes Steven L. Twenter's October 15, 2012 submission as a motion to vacate the court's May 4, 2012 dismissal order, recall the mandate, and to reinstate this petition for review. The United States Postal Service opposes the motion.

STEVEN TWENTER v. USPS

2

Failure to comply with this court's rules, including failure to file the required Fed. Cir. R. 15(c) statement concerning discrimination, may result in dismissal of an appeal for failure to prosecute. *Julien v. Zeringue*, 864 F.2d 1572, 1574 (Fed. Cir. 1989) ("failure to comply with this court's rules, including the requirements for preparing and filing briefs, appendices and other papers, may result in dismissal of an appeal for failure to prosecute").

The court dismissed this petition on May 4, 2012 for failure to file a Fed. Cir. R. 15(c) statement. The time to request reconsideration of that order has long passed. Fed. R. App. P. 45(a). We therefore deny Mr. Twenter's motion to reinstate.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to reinstate is denied.
- (2) All pending motions are moot.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk