

NOTE: This order is nonprecedential.

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

GARY W. SMITH,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3135

Petition for review of the Merit Systems Protection Board in case no. AT0831120034-I-1.

ON MOTION

O R D E R

The Office of Personnel Management (OPM) moves without opposition to reform the caption to name the Merit Systems Protection Board as the respondent.

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. In this case, the Board dismissed the appeal for lack of

jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion to reform the official caption is 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 20 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Gary W. Smith
Joseph E. Ashman, Esq.
Lindsey Schreckengost, Esq.

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

JUN 20 2012

JAN HORBALY
CLERK