

NOTE: This order is nonprecedential.

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

ROBERT DONNELL DONALDSON,
Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,
Respondent.

2012-3160

Petition for review of the Merit Systems Protection Board in case no. DA3330110862-1-2.

ROBERT DONNELL DONALDSON,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

DEPARTMENT OF HOMELAND SECURITY,
Intervenor.

2012-3161

ROBERT DONALDSON v. DHS

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Petition for review of the Merit Systems Protection Board in case no. DC1221120087-W-1.

ON MOTION

PER CURIAM.

ORDER

Robert Donnell Donaldson moves for reconsideration of the court's September 11, 2012 order denying his motion for judgment as a matter of law/summary judgment in appeal No. 2012-3160 which we construe as a motion for summary reversal. The Department of Homeland Security (DHS) opposes. Donaldson replies. Donaldson also moves for the court to exclude DHS' informal brief in the same appeal. DHS opposes and moves for leave to file a response to the motion. Donaldson moves for the court to exclude DHS' Rule 28(j) notice of supplemental authority in appeal No. 2012-3161. DHS opposes. Donaldson replies. Donaldson moves for the court to transfer his case to the United States District Court for the District of Maryland. DHS and the Merit Systems Protection Board (MSPB) both request a motion of extension of time to file their response. Donaldson opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) DHS' motion for leave to file a response to Donaldson's motion to exclude its brief is granted.

(2) The motion to exclude DHS' informal brief and Rule 28(j) notice of supplemental authority in appeal No. 2012-3160 is denied.

(3) The motion to exclude DHS' Rule 28(j) notice of supplemental authority in appeal No. 2012-3161 is denied.

(4) The motion for summary reversal is denied without prejudice.

(5) The motion to transfer is denied.

(6) DHS and MSPB's motions for extensions of time to respond to Donaldson's motion to transfer his case to the United States District Court for the District of Maryland are denied as moot.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk