

NOTE: This order is nonprecedential.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-I-2.

ROBERT DONNELL DONALDSON,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

DEPARTMENT OF HOMELAND SECURITY,
Intervenor.

2012-3161

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

ON MOTION

O R D E R

Robert Donnell Donaldson moves for “Judgment as a Matter of Law/Summary Judgment pursuant to rule 56, Federal Rules of Civil Procedure.” The Department of Homeland Security (“Agency”) opposes. Donaldson also moves to consolidate this appeal with Appeal No. 2012-3161. The Agency moves unopposed for an extension of time until September 11, 2012, to file its informal response brief in 2012-3160.

To the extent that Donaldson is arguing the merits of his case, those arguments belong in his brief, which has already been received by the court.

Accordingly,

IT IS ORDERED THAT:

(1) The motion for judgment as a matter of law/summary judgment is denied.

(2) The motion to consolidate is granted to the extent that the above-captioned cases will be treated as companion cases and will be assigned to the same merits panel.

(3) The Agency’s motion for an extension of time is granted. The Agency’s informal response brief is due no later than September 11, 2012.

ROBERT DONALDSON V. DHS
FOR THE COURT

SEP 11 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Robert Donnell Donaldson
Joshua E. Kurland, Esq.
Jeffrey Gauger, Esq.

s25

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

SEP 11 2012

JAN HORBALY
CLERK