

NOTE: This order is nonprecedential.

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

MATTHEW J. NASUTI,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3162

Petition for review of the Merit Systems Protection Board in case no. DC1221120321-W-1.

ON MOTION

O R D E R

Matthew J. Nasuti moves for leave to proceed in forma pauperis and submits a correspondence entitled "Petitioner's Exception to the Federal Circuit's Rule 15(c) Statement Concerning Discrimination."

On August 28, 2012 his appeal was dismissed for failure to pay the required docketing fee and to file the required Fed. Cir. R. 15(c) statement concerning discrimination.

Mr. Nasuti has not filed a completed Rule 15(c) Statement Form, and his recent correspondence does not indicate a claim of discrimination with regard to race, sex, age, national origin, or handicapped condition. To the extent Mr. Nasuti is arguing about the merits of his case, those arguments belong in his brief. Mr. Nasuti is directed to file a completed Rule 15(c) Statement Form within 21 days from the date of filing of this order or his appeal will not be reinstated

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to proceed in forma pauperis is granted to the extent that it is conditioned on the timely receipt of Mr. Nasuti's Fed. Cir. R. 15(c) statement concerning discrimination and subsequent reinstatement of his appeal.

(2) Mr. Nasuti is directed to file his Fed. Cir. R. 15(c) statement concerning discrimination within 21 days of the date of this order. If it is not timely received, the appeal will not be reinstated.

FOR THE COURT

SEP 11 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Matthew J. Nasuti
Michael D. Austin, Esq.

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

SEP 11 2012

JAN HORBALY
CLERK