

NOTE: This order is nonprecedential.

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

LAWRENCE ALAN LEVINE,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3171

Petition for review of the Merit Systems Protection Board in case no. DC0752100529-I-1.

ON MOTION

O R D E R

The Merit Systems Protection Board (“Board”) moves unopposed out of time for leave to file a motion for an extension of time, until November 26, 2012, to file its response brief. Lawrence Alan Levine moves to consolidate this appeal with appeal no. 2012-3172. The Board opposes. Lawrence Alan Levine further moves for discovery in this appeal. Levine has also filed a document entitled “Appeal of EEOC Appellate Decision Received 18

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October 2012.” The court interprets this submission as a motion to supplement the record on appeal.

We note that the Rules of Practice for the United States Court of Appeals for the Federal Circuit do not provide for discovery. This court’s review is based on the written record of proceedings at the Merit Systems Protection Board. See Fed. R. App. P. 16(a); Pro Se Guide, Paragraph 7.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Board’s motion for an extension of time is granted. The Board’s brief submitted on November 26, 2012, is accepted as filed.

(2) Levine’s motion to consolidate is denied.

(3) Levine’s motion for discovery is denied.

(4) Levine’s motion to supplement the record is denied. Levine may file a reply brief within 14 days of the date of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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