

NOTE: This order is nonprecedential.

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

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**DAVID JACKSON,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

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2012-3194

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Petition for review of the Merit Systems Protection Board in case no. DE0752120031-I-1.

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**ON MOTION**

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**O R D E R**

David Jackson moves for leave to proceed in forma pauperis. Jackson has already submitted a Uniformed Services Employment and Reemployment Rights Act (USERRA) notification form indicating that his case before the Merit System Protection Board involved USERRA claims and thus he is exempt from paying the filing fee.

Pursuant to 38 U.S.C. § 4323(h), if a petitioner claims rights under USERRA, the filing fee is waived. In this case,

Jackson claimed rights under USERRA before the Board. Thus, Jackson is exempt from paying the fee. Jackson's motion for leave to proceed in forma pauperis is moot.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is moot. Jackson is exempt from paying the filing fee.

FOR THE COURT

SEP 05 2012

Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: David Jackson  
Jeffrey Gauger, Esq.

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

SEP 05 2012

**JAN HORBALY**  
**CLERK**