

NOTE: This order is nonprecedential.

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

PUSHPA BISARYA,
Petitioner,

v.

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES,**
Respondent.

2014-3068

Petition for review of the Merit Systems Protection Board in No. DE-0752-13-1939-I-1.

Before LOURIE, DYK, and REYNA, *Circuit Judges.*

PER CURIAM.

O R D E R

In light of the Merit Systems Protection Board (“MSPB”)’s notification that Ms. Bisarya has filed a petition for review at the MSPB, we consider whether this petition should be dismissed.

This court’s review of MSPB decisions is limited to final orders or final decisions. *See Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361-63 (Fed. Cir. 2009); *see also* 28

U.S.C. § 1295(a)(9). Here, Ms. Bisarya filed a timely petition for review with the MSPB, which remains pending and which rendered the initial decision non-final for purposes of our review. 5 C.F.R. § 1201.113(a) (“The initial decision will not become the Board’s final decision if within the time limit for filing . . . any party files a petition for review . . .”). Because there is no final order or final decision of the MSPB, this court currently lacks jurisdiction over this case.

This order does not prevent Ms. Bisarya from seeking this court’s review by filing a timely petition for review after the MSPB enters a final decision.

Accordingly,

IT IS ORDERED THAT:

The petition is dismissed. Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk of Court