

NOTE: This order is nonprecedential.

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

---

**DOE NO. 1,**  
*Plaintiff-Respondent*

v.

**UNITED STATES,**  
*Defendant-Petitioner*

---

2023-116

---

On Petition for Permission to Appeal pursuant to 28 U.S.C. Section 1292(d)(2) from the United States Court of Federal Claims in No. 1:19-cv-01747-SSS, Judge Stephen S. Schwartz.

---

**ON PETITION**

---

Before LOURIE, PROST, and WALLACH, *Circuit Judges*.  
WALLACH, *Circuit Judge*.

**O R D E R**

Pursuant to 28 U.S.C. § 1292(d)(2), the United States petitions for permission to appeal an order of the United States Court of Federal Claims rendering invalid the Office of Personnel Management's regulation governing

compensable work time for entry-level training outside of regular working hours. Doe No. 1 opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition is granted. This case is transferred to the regular docket. The United States' opening brief is due within 60 days of the date of filing of this order.

FOR THE COURT

March 23, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court