

NOTE: This order is nonprecedential.

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

RICARDO R. CASTILLEJOS,
Petitioner

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent

2023-1207

Petition for review of the Merit Systems Protection Board in No. SF-0831-17-0586-I-1.

PER CURIAM.

ORDER

Having considered all responses from the parties to this court's order directing them to address whether this court has jurisdiction over Ricardo R. Castillejos' petition for review of a decision from the Merit Systems Protection Board, we conclude that we lack jurisdiction.

Mr. Castillejos' petition seeks review of the Board's final September 12, 2022, decision, but this court did not receive his petition until November 22, 2022, 71 days later. Under 5 U.S.C. § 7703(b)(1)(A), a petition to review a final decision by the Board must be filed "within 60 days after

the Board issues notice of the final . . . decision,” and this deadline is mandatory and jurisdictional. *Fedora v. Merit Sys. Prot. Bd.*, 848 F.3d 1013, 1016 (Fed. Cir. 2017). It also “requires actual receipt by the court, not just timely mailing.” *Id.*; see Fed. R. App. P. 25(a)(2)(A). Because the petition is untimely, we dismiss.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for review is dismissed.
- (2) Each party shall bear its own costs.

FOR THE COURT

April 6, 2023
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court