

NOTE: This order is nonprecedential.

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

ANJANETTE WICKS,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2023-2053

Petition for review of the Merit Systems Protection Board in No. AT-0752-17-0749-I-1.

Before PROST, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Because Anjanette Wicks asserted before the Merit Systems Protection Board that her removal was in violation of federal antidiscrimination laws and indicated that she did not wish to abandon her discrimination claims on judicial review, this court directed the parties to show cause why this case should not be transferred. Ms. Wicks has not responded. The Board requests transfer to the United States District Court for the Middle District of Florida. *See* ECF No. 12 at 6–7.

As respondent correctly notes, this is a “[c]ase[] of discrimination subject to the provisions of [5 U.S.C. §] 7702,” 5 U.S.C. § 7703(b)(2). We lack jurisdiction over such a case, which must instead be brought in federal district court. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 432 (2017). Under the circumstances, we find it appropriate to transfer pursuant to 28 U.S.C. § 1631 to the Middle District of Florida, where the employment action occurred.

Accordingly,

IT IS ORDERED THAT:

The petition for review and all filings are transmitted to the United States District Court for the Middle District of Florida pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 15, 2023
Date