

NOTE: This order is nonprecedential.

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

DANNY LEE,
Petitioner

v.

SOCIAL SECURITY ADMINISTRATION,
Respondent

2024-1719

Petition for review of the Merit Systems Protection Board in No. SF-0752-18-0753-I-1.

Before LOURIE, CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

Danny Lee filed an appeal at the Merit Systems Protection Board challenging his resignation as involuntary due to, among other things, discrimination. The Board's final decision dismissed the appeal. Mr. Lee petitioned this court for review, and his filings indicate that he wishes to continue to pursue his discrimination claims. *See* ECF No. 4. Responding to this court's show cause order, the Social Security Administration urges transfer. Mr. Lee's response appears to argue the merits of his appeal and

requests that “this court accept [his] appeal.” ECF No. 10-1 at 19.

We transfer this case. Federal district courts, not this court, have jurisdiction over “[c]ases of discrimination subject to the provisions of [5 U.S.C. §] 7702,” 5 U.S.C. § 7703(b)(2), which involve an allegation of an action appealable to the Board and an allegation that a basis for the action was covered discrimination. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, Mr. Lee continues to pursue the discrimination allegations he made before the Board, so jurisdiction to review the Board’s decision lies in district court. We agree with the agency that transfer to the United States District Court for the Southern District of California, where the employment action appears to have occurred, is appropriate. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

This matter and all case filings are transferred to the United States District Court for the Southern District of California pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 21, 2024
Date