

NOTE: This order is nonprecedential.

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

TYWANNA JO TAYLOR,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-2196

Petition for review of the Merit Systems Protection Board in No. DE-315H-24-0325-I-1.

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

PER CURIAM.

O R D E R

Tywanna Jo Taylor appealed her removal to the Merit Systems Protection Board and alleged, in relevant part, that a basis for her removal was discrimination based on sex and color. In her filings in this court, Ms. Taylor continues to seek review of her discrimination claims. On October 29, 2024, the court directed the parties to address whether we have jurisdiction. In response to that order, the Board urges transfer while Ms. Taylor has not filed a response.

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, § 7702. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, Ms. Taylor alleged that her removal was based, at least in part, on covered discrimination such that her case belongs in district court. We agree with the Board that transfer to the United States District Court for the District of Kansas, 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 District of Kansas pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

January 14, 2025
Date