

NOTE: This order is nonprecedential.

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

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**MIKHAIL KARPENKOPF,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2024-2233

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Petition for review of the Merit Systems Protection Board in No. DC-0752-24-0337-I-1.

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**ON MOTION**

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Before TARANTO, STOLL, and STARK, *Circuit Judges*.  
STARK, *Circuit Judge*.

**ORDER**

The Merit Systems Protection Board moves with consent to waive the requirements of Federal Circuit Rule 27(f) and remand this matter to the Board “to consider in the first instance whether the Board may assert jurisdiction over this appeal challenging the continuation of the Petitioner’s indefinite suspension pending a final decision

on his security clearance,” ECF No. 19 at 1, conceding “the Board’s case law appears to be inconsistent in its handling of” these types of appeals, *id.* at 6, and noting the Board has not addressed the issue in this case because the Petitioner filed this petition for review directly from the administrative judge’s initial decision, *id.* at 1.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted. The case is remanded to the Board for further consideration consistent with the motion and this order.
- (2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

March 3, 2025  
Date

ISSUED AS A MANDATE: March 3, 2025