

NOTE: This order is nonprecedential.

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

SAJURNIA A. HARRIS,
Petitioner

v.

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES,**
Respondent

2024-2255

Petition for review of the Merit Systems Protection Board in No. DC-0752-19-0252-I-1.

ON MOTION

Before REYNA, LINN, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Sajurnia A. Harris petitions for review of the final decision of the Merit Systems Protection Board affirming her removal in which she raised affirmative defenses of gender and disability discrimination. Ms. Harris now moves to proceed *in forma pauperis*. The Department of Health and

Human Services (“HHS”) moves to transfer this appeal to the United States District Court for the District of Columbia, or alternatively, to dismiss for lack of jurisdiction. HHS notes that Ms. Harris previously sought this court’s review of the initial decision in her case and this court transferred to district court because Ms. Harris continued to pursue her discrimination claims. That matter remains pending. *Harris v. Dep’t of Health & Hum. Servs.*, No. 1:21-cv-03401-APM (D.D.C.).

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), involving 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). Because Ms. Harris pursued discrimination claims before the Board and continues to do so, we deem it the better course to transfer to the United States District Court for the District of Columbia, where Ms. Harris’s related action is pending and where the employment action appears to have occurred. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

HHS’s motion is granted to the extent this matter and all case filings are transferred to the United States District Court for the District of Columbia pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 11, 2024
Date