

NOTE: This order is nonprecedential.

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

MALIK SHAKUR,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2025-1029

Petition for review of the Merit Systems Protection Board in No. DA-315H-21-0053-I-1.

ON MOTION

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

PER CURIAM.

O R D E R

Malik Shakur petitions this court to review the Merit Systems Protection Board's dismissal of his removal appeal and rejection of his claims of discrimination. Because Mr. Shakur's submissions here indicated he continues to pursue claims of racial discrimination (among others) that he raised before the Board, the court directed the parties to

show cause. In response, the Board urges transfer. Mr. Shakur has not responded to the show cause order but moves to reform the caption and for summary reversal.

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, Mr. Shakur alleged that his removal was based, at least in part, on covered discrimination such that his case belongs in district court. We agree with the Board that transfer to the United States District Court for the Western District of Oklahoma, where the employment action appears to have occurred and where Mr. Shakur appears to reside, 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 Western District of Oklahoma pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

February 26, 2025
Date