

NOTE: This order is nonprecedential.

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

COLENE MARY PEAKS,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2025-1180

Petition for review of the Merit Systems Protection Board in No. DC-0752-19-0697-I-1.

Before TARANTO, WALLACH, and CUNNINGHAM, *Circuit Judges.*

PER CURIAM.

ORDER

Colene Mary Peaks petitions this court to review the final decision of the Merit Systems Protection Board dismissing her appeal alleging that her removal was involuntary, in part due to age and disability discrimination. Responding to this court's show cause order, the Board urges transfer to the United States District Court for the District of Columbia. Ms. Peaks has not responded.

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. Peaks alleged that her removal was based, at least in part, on covered discrimination such that her case belongs in district court. Under such circumstances, we find it appropriate to transfer to the United States District Court for the District of Columbia, where the employment action appears to have occurred. *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 Columbia pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

April 16, 2025
Date