

NOTE: This order is nonprecedential.

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

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**VERA DAVIS-CLEWIS,**  
*Petitioner*

v.

**DEPARTMENT OF VETERANS AFFAIRS,**  
*Respondent*

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2025-1237

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Petition for review of the Merit Systems Protection Board in No. DA-0752-23-0162-I-1.

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**ON MOTION**

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

PER CURIAM.

**ORDER**

Vera Davis-Clewis appealed her alleged involuntary demotion and reduction in grade to the Merit Systems Protection Board and raised affirmative defenses of discrimination. In her filings before this court, Ms. Davis-Clewis indicates that she continues to pursue her discrimination claims, such that this court ordered the parties to show

cause whether this matter should be dismissed or transferred to an appropriate court. The Department of Veterans Affairs urges dismissal or transfer. Ms. Davis-Clewis opposes dismissal or transfer.

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(a). *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, Ms. Davis-Clewis raised claims of covered discrimination before the Board and continues to seek review of those claims, such that we lack jurisdiction. We conclude that transfer to the United States District Court for the Northern District of Texas, where the employment action appears to have occurred, is appropriate. 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 Northern District of Texas pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

February 28, 2025

Date