

NOTE: This order is nonprecedential.

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

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**CARL NEWHOUSE,**  
*Petitioner*

**v.**

**DEPARTMENT OF THE AIR FORCE,**  
*Respondent*

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2025-1701

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Petition for review of the Merit Systems Protection Board in No. SF-0752-23-0400-I-1.

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**ON MOTION**

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

PER CURIAM.

**O R D E R**

Carl Newhouse petitions this court to review the final decision of the Merit Systems Protection Board dismissing his involuntary resignation appeal. As before the Board, Mr. Newhouse argues here, among other things, that his resignation was based on disability discrimination. *See* ECF No. 10 at 2, 3; Opening Br. at 2. The Department of

the Air Force moves to dismiss or transfer this case for lack of jurisdiction. ECF No. 12. Mr. Newhouse opposes the motion to dismiss or transfer and moves for “res judicata” and for sanctions for “Violation of Federal Rule 11 Dilatory Tactics.” ECF No. 17 at 2; ECF No. 18 at 1, 3; ECF No. 14.

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. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Because Mr. Newhouse argued before the Board that his resignation was based at least in part on covered discrimination and continues to pursue that allegation, jurisdiction to review the Board’s decision lies in district court. Rather than dismiss, we deem it the better course to transfer to the United States District Court for the Western District of Washington, where the employment action appears to have occurred. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

The Department’s motion, ECF No. 12, is granted to the extent that the matter and all case filings are transferred to the United States District Court for the Western District of Washington pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

September 12, 2025  
Date