

NOTE: This order is nonprecedential.

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

TIMOTHY W. MORRIS,
Petitioner

v.

**NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION**
Respondents

2025-1966, 2025-1965

Petitions for review of the Merit Systems Protection Board in Nos. AT-0752-22-0094-I-1, AT-0731-22-0113-I-1, AT-531D-22-0094-I-1, and AT-3443-22-0114-I-1.

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

PER CURIAM.

O R D E R

Timothy W. Morris seeks judicial review of a Merit Systems Protection Board decision joining and dismissing

three appeals from alleged personnel actions.¹ Because Mr. Morris's submissions indicated he raised discrimination claims before the Board and wishes to pursue those claims, we directed the parties to show cause whether this matter should be transferred. The National Aeronautics and Space Administration responds in favor of transfer. Mr. Morris 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, the parties appear to agree that Mr. Morris alleged that the challenged employment actions were based at least in part on covered discrimination. ECF Nos. 6, 12. Under such circumstances, we find it appropriate to transfer to the United States District Court for the Middle District of Florida, where it appears the employment action occurred and Mr. Morris resides. 28 U.S.C. § 1631.

Accordingly,

¹ Specifically, the Board's decision joined Mr. Morris's appeals alleging that he was wrongfully denied a pay increase, that he was subject to a negative suitability determination, and that his retirement was involuntary.

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IT IS ORDERED THAT:

This matter and all filings are transferred to the United States District Court for the Middle District of Florida pursuant to 28 U.S.C. § 1631.

FOR THE COURT



January 22, 2026
Date

Jarrett B. Perlow
Clerk of Court