

NOTE: This order is nonprecedential.

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

NATASHA PLEASANT,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2025-2048

Petition for review of the Merit Systems Protection Board in No. AT-0752-25-0088-I-1.

Before PROST, CHEN, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

On September 23, 2025, this court ordered the parties to address whether this case belongs in federal district court. Natasha Pleasant, through counsel, says no. The Merit Systems Protection Board says yes, and so do we.

Ms. Pleasant appealed her removal to the Board, alleging, in part, discrimination based on disability. The Board, in its final decision, dismissed her appeal, and she then filed this petition seeking our review. In her Statement Concerning Discrimination filed with this court, Ms.

Pleasant indicated that she does not wish to abandon her discrimination claim(s).

We now transfer. Federal district courts, not this court, have jurisdiction over mixed cases—“[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. Pleasant appealed her removal to the Board, alleged it was based, at least in part, on covered discrimination, and continues to seek review of her discrimination claim(s). Thus, we lack jurisdiction. We conclude that transfer to the United States District Court for the Northern District of Georgia, where the personnel action appears to have occurred, is appropriate. *See* 28 U.S.C. § 1631.¹

Accordingly,

¹ In her response, Ms. Pleasant asserts that this court has jurisdiction because she seeks “to argue the scope of the Board’s authority to hear a mixed case appeal.” ECF No. 13 at 1. The Supreme Court has twice rejected that proposition. *Kloeckner v. Solis*, 568 U.S. 41, 56 (2012) (“[W]hether the MSPB decided her case on procedural grounds or instead on the merits,” “[a] federal employee who claims that an action appealable to the MSPB violates a [covered] antidiscrimination statute . . . should seek judicial review in district court, not in the Federal Circuit.”); *Perry*, 582 U.S. at 432–33 (rejecting “a distinction between MSPB merits and procedural decisions, on the one hand, and the Board’s jurisdictional rulings, on the other” for purposes of mixed case jurisdiction). In the alternative, Ms. Pleasant requests transfer to the EEOC, but she has not identified any authority for granting such relief.

PLEASANT v. MSPB

3

IT IS ORDERED THAT:

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

FOR THE COURT



November 24, 2025
Date

Jarrett B. Perlow
Clerk of Court