

NOTE: This order is nonprecedential.

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

DEBBRA L. ROPER,
Petitioner

v.

DEPARTMENT OF AGRICULTURE,
Respondent

2026-1039

Petition for review of the Merit Systems Protection Board in No. DE-0752-24-0303-I-1.

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

PER CURIAM.

O R D E R

Debra L. Roper filed an appeal at the Merit Systems Protection Board challenging the Department of Agriculture's decision to remove her from federal service. The Board affirmed the agency's decision and found that Ms. Roper failed to prove her claim of disability discrimination. In response to this court's show cause order, the Department of Agriculture urges dismissal or transfer to a district

court, and Ms. Roper urges transfer to the United States District Court for the District of New Mexico. ECF No. 16.

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. Roper alleged that her removal was based, at least in part, on covered discrimination and continues to pursue those allegations 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 New Mexico, where the employment action appears to have occurred. 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT



January 21, 2026
Date

Jarrett B. Perlow
Clerk of Court