

NOTE: This order is nonprecedential.

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

SCOTT BENNETT,
Petitioner

v.

DEPARTMENT OF THE INTERIOR,
Respondent

2026-1289

Petition for review of the Merit Systems Protection Board in No. SF-0752-25-0045-I-1.

Before PROST, MAYER, and CUNNINGHAM, *Circuit Judges*.

PER CURIAM.

O R D E R

Scott Bennett filed an appeal at the Merit Systems Protection Board challenging the agency's decision to remove him from federal service. The Board affirmed the agency's decision and found that Mr. Bennett failed to prove his claim of disability discrimination. Mr. Bennett petitions for review, and we directed the parties to show cause because he indicated he continues to pursue that discrimination claim. In response to the court's show cause order, the agency urges dismissal. Mr. Bennett 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, 425–26, 437 (2017). Here, Mr. Bennett alleged that his removal was based, at least in part, on covered discrimination, and continues to pursue that claim, such that his case belongs in district court. Under the circumstances of this case, we find it appropriate to transfer to the United States District Court for the Eastern District of California, where the employment action appears to have occurred, which may address, *inter alia*, any issues concerning timeliness.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

June 30, 2026
Date