NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

MALLIE A. THOMPSON'MCCARLEY,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2026-1762

Petition for review of the Merit Systems Protection Board in No. CH-0752-25-0117-I-1.

Before DYK, MAYER, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

Mallie A. Thompson'McCarley filed an appeal at the Merit Systems Protection Board challenging her removal from federal service. The Board dismissed her appeal as untimely filed. Ms. Thompson'McCarley filed a petition for review of that decision, and her filings indicate that she raised a discrimination claim before the Board and wishes to continue to pursue that claim. *See* ECF No. 5 at 3. Responding to this court's show cause order, the Board urges

transfer. Ms. Thompson'McCarley requests transfer "to the appropriate court jurisdiction." ECF No. 13 at 1.

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, *id.* at § 7702. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, Ms. Thompson'McCarley alleged that her removal was based, at least in part, on covered discrimination 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 Southern District of Ohio, where the employment action appears to have occurred.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

September 18, 2026
Date