

NOTE: This order is nonprecedential.

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

DARRELL T. MARTIN,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2026-1883

Petition for review of the Merit Systems Protection
Board in No. DA-0752-25-0975-I-2.

Before LOURIE, PROST, and REYNA, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to the court's July 16, 2026 show cause order, the Department of Veterans Affairs ("DVA") urges transfer to the United States District Court for the Eastern District of Arkansas. Darrell T. Martin agrees that transfer is in the interest of justice.

Mr. Martin appealed to the Merit Systems Protection Board challenging his removal from the DVA in part based on disability discrimination. The Board affirmed the agency's action and Mr. Martin seeks this court's review.

In his filings before this court, he indicates that he does not wish to abandon his discrimination claim. *See* ECF No. 5 at 1–3. Mr. Martin has also filed a civil complaint in the United States District Court for the Eastern District of Arkansas regarding his removal and claim of discrimination. *Martin v. Moore*, No. 4:26-cv-00241-KGB (amended complaint filed March 16, 2026).

Federal district courts, not this court, have jurisdiction over “[c]ases of discrimination subject to the provisions of [5 U.S.C. §] 7702,” § 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); *see also Williams v. Dep’t of the Army*, 715 F.2d 1485, 1491 (Fed. Cir. 1983) (en banc) (noting “where jurisdiction lies in the district court under 5 U.S.C. § 7703(b)(2), the entire action falls within the jurisdiction of that court and this court has no jurisdiction”). Because Mr. Martin asserted discrimination claims before the Board and continues to pursue those claims on judicial review, we lack jurisdiction. The DVA urges transfer to the Eastern District of Arkansas, where the employment action appears to have occurred and where Mr. Martin filed his still-pending related civil complaint. Under the circumstances, we transfer. *See* 28 U.S.C. § 1631.

Accordingly,

MARTIN v. DVA

3

IT IS ORDERED THAT:

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

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 27, 2026
Date