NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

In Re STACY EVANECKO RODGERS,
Petitioner

2027-100

On Petition for Writ of Mandamus to the Merit Systems Protection Board in No. AT-1221-26-0644-W-1.

ON PETITION

Before CHEN, LINN, and CUNNINGHAM, *Circuit Judges*.

PER CURIAM.

O R D E R

Stacy Evanecko Rodgers, who has a pending individual right of action appeal before the Merit Systems Protection Board, petitions for a writ of mandamus asking this court to, among other things, recognize "the complete expiration of the 120-day statutory adjudication window," reassign the case to another administrative law judge, and issue relief on the merits. Pet. at 5.

A writ of mandamus is an extraordinary remedy and may only issue if petitioner has shown a clear and indisputable right to relief; such relief is appropriate; and there are no other adequate means to attain the relief desired—

"a condition designed to ensure that the writ will not be used as a substitute for the regular appeals process." *Hargrove v. Shinseki*, 629 F.3d 1377, 1379 (Fed. Cir. 2011) (quoting *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380–81 (2004)).

Ms. Rodgers has not met this demanding standard here. She has not shown that mandamus is appropriate or the only adequate means to obtain relief on the merits of her case. Nor has she shown clear entitlement to compelling the Board to issue a decision or reassign the case to another administrative law judge. To the extent she relies on 5 U.S.C. § 7702(a)(1), her reliance is misplaced. That provision is expressly limited to actions involving discrimination, which do not include IRA appeals, *see Young v. MSPB*, 961 F.3d 1323, 1328 (Fed. Cir. 2020), and, in any event, merely permits the filing of a district court case if no judicially reviewable Board decision is reached within 120 days. More generally, she has not shown that any delay in handling her case has been so egregious as to warrant this extraordinary relief.

Accordingly,

IT IS ORDERED THAT:

The petition is denied.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

October 30, 2026
Date