

NOTE: This order is nonprecedential.

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

ALGRIE MARTINO JOHNSON, JR.,
Petitioner,

v.

DEPARTMENT OF THE TREASURY,
Respondent.

2012-3158

Petition for review of the Merit Systems Protection Board in No. PH315H120124-I-1.

Before NEWMAN, MOORE, and CHEN, *Circuit Judges*.
MOORE, *Circuit Judge*.

O R D E R

The parties inform the court in their status reports that the Merit Systems Protection Board has issued a final decision.

In this petition, Algrie Martino Johnson, Jr. seeks review of an initial decision that had dismissed his appeal at the Board as untimely. At the same time, Johnson also sought the full Board's review of that initial decision. The Board vacated that initial decision and rejected the appeal on another ground, i.e., that Johnson had not shown

the appeal should be reopened after having been previously withdrawn. We directed the parties to file status reports. Because the initial decision was vacated, this petition for review of that initial decision must be dismissed.

Accordingly,

IT IS ORDERED THAT:

This petition for review is dismissed.

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court