

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

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**USVALDO TRUJILLO,**  
*Petitioner,*

v.

**DEPARTMENT OF HOMELAND SECURITY,**  
*Respondent.*

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2012-3192

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Petition for review of the Merit Systems Protection Board in No. DA0752100436-I-2.

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**JUDGMENT**

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LISA A. FREIMAN FISHBERG, Schertler & Onorato, LLP, of Washington, DC, argued for petitioner.

JAMES R. SWEET, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With him on the brief were STUART F. DELERY, Principal Deputy Assistant Attorney General, JEANNE E. DAVIDSON, Director, and MARTIN F. HOCKEY, JR., Assistant Director.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, CLEVINGER, and REYNA, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

May 10, 2013

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk