

NOTE: This order is nonprecedential

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

JAMES F. OUTLAW,
Petitioner,

v.

DEPARTMENT OF THE ARMY,
Respondent.

2013-3061

Petition for review of the Merit Systems Protection Board in consolidated Nos. DE0752110279-I-2 and DE0752110514-I-1.

ON MOTION

Before NEWMAN, REYNA, and WALLACH, *Circuit Judges.*

PER CURIAM.

ORDER

James F. Outlaw moves for reconsideration of the court's previous rejection of his petition for review.

The Merit Systems Protection Board ("Board") issued its final order on October 19, 2012. Mr. Outlaw received

the order via electronic mail on October 19, 2012.* Mr. Outlaw's petition was received by this court on December 21, 2012, sixty-three days after he received the Board's final order.

Our review of a Board decision or order is governed by 5 U.S.C. § 7703(b)(1), which provides in relevant part that “[n]otwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.” 5 U.S.C. § 7703(b)(1)(A) (2012). This filing period is “statutory, mandatory, [and] jurisdictional.” *Monzo v. Dep't of Transp.*, 735 F.2d 1335, 1336 (Fed. Cir. 1984); *see also Bowles v. Russell*, 551 U.S. 205 (2007) (the timely filing of a notice of appeal in a civil case is a jurisdictional requirement that cannot be waived). We also note that the petition for review must be *received* by this court by the due date, Fed. R. App. P. 25(a)(2)(A), and that petitions for review cannot be filed by fax or electronically with this court, Fed. Cir. R. 25.

Because Mr. Outlaw's petition was not received within 60 days of the date he received the Board's decision, we must dismiss his petition as untimely.

Accordingly,

IT IS ORDERED THAT:

1) Mr. Outlaw's motion for reconsideration is denied, and his petition is dismissed.

(2) All sides shall bear their own costs.

*Mr. Outlaw is a registered electronic filer with the Board. The regulation governing the dates for service of electronic documents at the Board states, in relevant part, “MSPB documents served electronically on registered e-filers are deemed received on the date of electronic submission.” 5 C.F.R. § 1201.14(m)(2).

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FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk

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ISSUED AS A MANDATE: June 19, 2013