

NOTE: This order is nonprecedential.

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

FRANKLIN R. PERKINS,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3074

Petition for review of the Merit Systems Protection Board in No. DA315I120162-I-1.

ON MOTION

PER CURIAM.

O R D E R

Franklin R. Perkins moves to obtain additional documents through “limited discovery” and for an extension of time to file his reply brief. The Merit Systems Protection Board (Board) opposes the discovery request.

Because this court’s review is based upon the record of evidence that was before the Board, discovery is not permitted. 5 U.S.C. § 7703(c); *Rockwell v. Dep’t of Transp., F.A.A.*,

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789 F.2d 908, 913 (Fed. Cir. 1986) (Congress expressly limited the court's appellate review of Board decisions "to final orders and decisions of the board on the *record*.").

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for limited discovery is denied.
- (2) The motion for an extension of time to file the reply brief is granted to the extent that Perkins' reply brief is due 15 days from the date of this order.

FOR THE COURT

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

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