

NOTE: This order is nonprecedential.

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

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**ROBERT DONNELL DONALDSON,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent,*

AND

**DEPARTMENT OF HOMELAND SECURITY,**  
*Intervenor.*

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2013-3097

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Petition for review of the Merit Systems Protection Board in No. DC300A120619-I-1.

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**ON MOTION**

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**ORDER**

Robert Donnell Donaldson moves without opposition to reform the caption to designate the Merit Systems Protection Board as the respondent. Mr. Donaldson also moves to stay briefing. The Department of Homeland

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Security opposes. The Department of Homeland Security moves unopposed for leave to intervene.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed Mr. Donaldson's petition for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

- 1) The motion to reform the caption with the Board as respondent is granted.
- 2) The motion to intervene is granted. The revised official caption is reflected above.
- 3) The motion to stay is denied. Mr. Donaldson's opening brief is due within 30 days of the filing of this order.

FOR THE COURT

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

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