

NOTE: This order is nonprecedential.

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

KEITH ANDREW FIELDS,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2013-3132

Petition for review of the Merit Systems Protection Board in No. PH0752090568-B-2.

ON MOTION

O R D E R

The United States Postal Service (Postal Service) moves to reform the caption to name the Merit Systems Protection Board (Board) as the respondent, and to allow the Postal Service to intervene. Keith Andrew Fields

FIELDS V. MSPB

2

opposes the motion. The Postal Service also requests to set their briefing schedule.

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. In this case, the Board dismissed the appeal 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 is granted. The revised official caption is reflected above.

(2) The Board and the Postal Service should calculate the due date for their response briefs from the date of filing of this order.

FOR THE COURT

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

s21