

NOTE: This order is nonprecedential.

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

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**ELMER E. CAMPBELL, JR.,**  
*Petitioner,*

v.

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

AND

**UNITED STATES POSTAL SERVICE,**  
*Intervenor.*

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2013-3166

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Petition for review of the Merit Systems Protection Board in No. SF0752100331-M-1.

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**O R D E R**

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Before NEWMAN, LOURIE, and DYK, *Circuit Judges.*

PER CURIAM.

Mr. Elmer E. Campbell has taken an appeal from the decision of the Merit Systems Protection Board (“Board”). *Campbell v. Merit Sys. Prot. Bd.*, Appeal No. 13-3166 (Oct.

9, 2013), ECF No. 12. Mr. Campbell's brief states that his union "filed a grievance on the identical issues raised before the MSPB on November 12, 2009," and that "USPS settled these issues, and issued a Regular Regional Pre-[A]rbitration Settlement with back pay for the period November 12, 2009 to March 2, 2012." Pet'r Br. at 2.

The Board in its brief states that this settlement "may provide full relief to Mr. Campbell as it relates to this matter[.]" Resp't Br. at 10 n.2. The United States Postal Service ("USPS"), as Intervenor, provides a copy of the settlement agreement.

No party has moved for or otherwise requested, dismissal of this appeal. However, "A case becomes moot—and therefore no longer a "Case or Controversy" for purposes of Article III—when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Already, LLC v. Nike, Inc.*, 133 S. Ct. 721, 726–27 (2013) (citations omitted).

Accordingly,

IT IS ORDERED THAT:

Mr. Campbell is directed to show cause, within 14 days of the date of receipt of this order, why this petition should not be dismissed as moot. The Board and USPS are also directed to respond within that time.

FOR THE COURT

November 20, 2014

Date

/s/ Daniel E. O'Toole

Daniel E. O'Toole  
Clerk of Court

cc: Nicholas Jabbour  
Lindsey Schreckengost