

NOTE: This order is nonprecedential.

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

IN RE SHERMAN HOWARD,
Petitioner.

2014-125

On Petition for Writ of Mandamus to the Merit Systems
Protection Board in DA0752090172-C-1.

ON PETITION

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

PER CURIAM.

O R D E R

Sherman Howard (“Howard”) petitions for a writ of mandamus directing the Merit Systems Protection Board (“MSPB”) to issue a final decision in *Howard v. Department of the Air Force*, DA-0752-09-0172-C-1. Howard also seeks attorney fees and costs associated with filing this petition pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The MSPB opposes.

IN RE HOWARD

2

Mandamus is an extraordinary remedy, available only where the petitioner shows: (1) a clear legal right to relief; (2) there are no adequate alternative legal channels through which he may obtain that relief; and (3) the grant of mandamus is appropriate under the circumstances. *Cheney v. U.S. Dist. Court*, 542 U.S. 367, 380-81 (2004); *Kerr v. U.S. Dist. Court*, 426 U.S. 394, 403 (1976). In denying this requested relief, we note that on the same day Howard filed this petition the MSPB issued its decision in DA-0752-09-0172-C-1.

Accordingly,

IT IS ORDERED THAT:

The petition is denied.

FOR THE COURT

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

s23