

NOTE: This order is nonprecedential.

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

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**ELBERT HICKS,**  
*Petitioner,*

v.

**UNITED STATES POSTAL SERVICE,**  
*Respondent.*

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2014-3017

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Petition for review of the Merit Systems Protection Board in No. PH3443120485-I-1.

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**ON MOTION**

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PER CURIAM.

**ORDER**

Elbert Hicks moves to amend his petition for review to include review of a decision of the Merit Systems Protection Board different than the one identified in the above caption.

It does not appear that there was a final Board decision or order when Hicks filed the motion to amend.

However, the Board issued a final order on February 4, 2013.

Hicks also submits two motions to stay proceedings in the petition before this court and a motion to supplement the record. Concerning his motion to supplement, Rule 16(a) of the Rules Federal Rules of Appellate Procedure provides that the record on appeal is generally limited to the original pleadings, evidence, and other parts of the proceedings before the agency. *See also Cruz v. Department of the Navy*, 934 F.2d 1240, 1245 n.6 (Fed. Cir. 1991) (refusing to consider evidence that was not before the Board and not part of the record on appeal). Although the Rules of Evidence authorize judicial notice of certain facts outside of the record, the court is not persuaded that such action is warranted here.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to supplement the record is denied.
- (2) The motion to amend the petition is denied.
- (3) The motions to stay are granted to the extent that Hicks must formally file a petition for review in PH-3443-13-0185-I-1 by April 7, 2014. That petition would then be consolidated with this petition.
- (4) Hicks' brief is due to the court no later than June 6, 2014.

FOR THE COURT

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