

NOTE: This order is nonprecedential.

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

JOHNNIE LEWIS,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2014-3108

Petition for review of the Merit Systems Protection Board in No. CH-0353-12-0349-I-1.

ON MOTION

O R D E R

The United States Postal Service (“USPS”) moves to reform the official caption to name the Merit Systems Protection Board (“Board”) as the respondent, and for leave to intervene to protect its interests in this petition for

review. The Board and the USPS jointly move for a 21-day extension of time to file their response briefs from the date of disposition of this motion.

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 Johnnie Lewis' 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 is granted. The revised official caption is reflected above.

(2) The motion for an extension of time to file the response briefs is granted to the extent that the Board and the USPS 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 of Court