

NOTE: This order is nonprecedential.

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

GUILLERMO MOJARRO,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE
Intervenor.

2011-3079

Petition for review of the Merit Systems Protection Board in case no. SF0752090694-I-1.

GUILLERMO MOJARRO,
Petitioner,

v.

UNITED STATES POSTAL SERVICE,
Respondent.

2011-3120

Petition for review of the Merit Systems Protection Board in case no. SF0752100222-I-2.

ON MOTION

Before BRYSON, SCHALL, and PROST, *Circuit Judges*.

PER CURIAM.

O R D E R

The United States Postal Service moves to dismiss Guillermo Mojarro's petitions for review. Mojarro opposes. The Postal Service moves for an extension of time to reply and submits a reply. Mojarro moves to strike the Postal Service's motions, requests judicial notice, and moves for leave to supplement his brief.

Mojarro's petitions seek review of decisions of the Merit Systems Protection Board denying various employee rights allegations that arose when he worked at the Postal Service. On April 14, 2011, after filing his petitions seeking this court's review, Mojarro executed a global settlement agreement with the Postal Service. The agreement states in relevant part:

After full and open discussion, Complainant hereby releases and forever discharges Postal Service, its past and present respective officers, agents, and employees, from any and all claims, demands, suits, rights, damages, union grievances, charges, administrative remedies (including but not limited to Merit Systems Protection Board or Equal Employment Opportunity Commission filings), and causes of action of any and every

kind, nature, and character, known and unknown, which Complainant may now have or has ever had against Postal Service . . . which arose in whole or in part from Complainant's employment relationship with Postal Service, and which are based upon incidents, occurrences, or actions taking place prior to the execution of this Agreement.

The Postal Service moves to dismiss these appeals in light of Mojarro's discharge and release of all claims and causes of action. In response, Mojarro asserts, among other things, that he was on medication at the time of signing the settlement agreement and that he was also threatened and coerced into signing it. He thus requests that the settlement agreement not be enforced and that his petition be allowed to proceed before this court.

We deem it the better course to remand the petitions to the Board for further proceedings in order to assess Mojarro's arguments that the settlement agreement should not be enforced and determine whether a case or controversy exists between the parties in the first instance.

Accordingly,

IT IS ORDERED THAT:

- (1) The Postal Service's motion for an extension of time to file a reply is granted.
- (2) The petitions are remanded for further proceedings consistent with this order.
- (3) All pending motions are moot.
- (4) Each side shall bear its own costs.

FOR THE COURT

NOV 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Guillermo Mojarro
Michael S. Carney, Esq.
Christopher L. Krafchek, Esq.

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Issued As A Mandate: NOV 04 2011

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

NOV 04 2011

JAN HORBALY
CLERK