

NOTE: This order is nonprecedential.

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

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**FRANCES G. BROWN,**  
*Petitioner,*

v.

**DEPARTMENT OF THE NAVY,**  
*Respondent.*

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2011-3026

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Petition for review of the Merit Systems Protection  
Board in case no. AT0752930032-C-2.

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**FRANCES G. BROWN,**  
*Petitioner,*

v.

**DEPARTMENT OF THE NAVY,**  
*Respondent.*

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2011-3122

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Petition for review of the Merit Systems Protection  
Board in case no. AT4324100035-I-1.

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**ON MOTION**

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Before GAJARSA, MAYER, and PROST, *Circuit Judges*.

PER CURIAM.

**ORDER**

Frances G. Brown responds to the court's letter returning her petition for review from the Merit Systems Protection Board in no. 2011-3122 as untimely and moves to consolidate that case with her petition for review in 2011-3026. Brown also requests help to "get EEOC to remedy [her] EEO claims."

With regard to Brown's petition in 2011-3122, the full Board issued its decision declining to review her petition on September 29, 2010. According to Brown, she received that decision on October 4, 2010. This court received her petition for review 63 days after she received the Board's decision. A petition for review must be received by this court "within 60 days after the date the petitioner received notice of the final order or decision of the Board." 5 U.S.C. § 7703(b)(1). This filing period is "statutory, mandatory, [and] jurisdictional." *Monzo v. Dept. of Transportation, Federal Aviation Administration*, 735 F.2d 1335, 1336 (Fed. Cir. 1984). Because Brown's petitions for review were received by the court more than 60 days after receipt of the Board's decision, Brown's petition for review in 2011-3122 was untimely and correctly returned.

With regard to Brown's timely petition in 2011-3026, this is a court of limited jurisdiction, which does not include jurisdiction over the Equal Employment Opportunity Commission (EEOC). This court is therefore

without authority to direct the EEOC to issue a final decision in her appeal and must deny her motion on that basis.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for review in 2011-3122 is dismissed.
- (2) Each side shall bear its own costs as to 2011-3122.
- (3) Brown's motion to consolidate 2011-3122 and 2011-3026 is moot.
- (4) Brown's motion with regard to her EEOC claims is denied.
- (5) Brown's brief in 2011-3026 and the \$450 filing fee are due within 30 days of the date of filing of this order.

FOR THE COURT

MAY 26 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Frances G. Brown  
Scott A. MacGriff, Esq.

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

**MAY 26 2011**

**JAN HORBALY**  
**CLERK**