

NOTE: This order is nonprecedential.

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

---

**RENEE HARRIS,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

---

2011-3149

---

Petition for review of the Merit Systems Protection Board in case no. DC0752100086-I-2.

---

**ON MOTION**

---

Before O'MALLEY, *Circuit Judge*

**ORDER**

Renee Harris moves to supplement the record to include certain documents she asserts are related to her petition. The Merit Systems Protection Board opposes and states that Harris' brief should be stricken. Harris replies.

Rule 16 of the Federal Rules of Appellate Procedure provides that the record on review is generally limited to the original papers and exhibits filed at the agency, in this case the Merit Systems Protection Board. 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.

Because Harris cites to the documents in her opening brief, the court determines that a new opening brief must be filed that does not cite to the documents that were not before the Board.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to supplement the record is denied.

(2) The previously filed brief is rejected. Harris is directed to file a corrected opening brief within 21 days of the date of filing of this order. The due date for the Board's brief should be calculated from the date of filing of Harris' corrected brief.

(3) All other pending motions are moot.

FOR THE COURT

SEP 30 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: George M. Chuzi, Esq.  
Sara B. Rearden, Esq.

s20

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

SEP 30 2011

JAN HORBALY  
CLERK