

NOTE: This order is nonprecedential.

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

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**JOHN WATSON,**  
*Petitioner*

v.

**FEDERAL BUREAU OF PRISONS,**  
*Respondent*

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2017-1979

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Petition for review of an arbitrator's decision in No. 14-57399-A by Joseph M. Sharnoff.

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**SUA SPONTE**

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Before DYK, MOORE, and O'MALLEY, *Circuit Judges*.

PER CURIAM.

**O R D E R**

The government argues that we lack jurisdiction because this is a mixed case including discrimination claims. While petitioner submits that he abandoned his discrimination claims, the court has determined that this appeal still presents at least claims of violations of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq. Such

appeals are known as mixed cases. *Perry v. Merit Sys. Protection Bd.*, 137 S. Ct. 1975, 1979 (2017). The Supreme Court's decision in *Perry* makes clear that, for mixed cases, jurisdiction lies in district court, not in the Federal Circuit. *Id.* Therefore, we conclude that we lack jurisdiction and the transfer of this case is appropriate pursuant to 28 U.S.C. § 1631.

IT IS ORDERED THAT:

This appeal is transferred to the United States District Court for the Northern District of West Virginia pursuant to 28 U.S.C. § 1631.

FOR THE COURT

June 12, 2018

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court