

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-3029

ANTHONY L. WILLIAMS,

Petitioner,

v.

DEPARTMENT OF LABOR,

Respondent

Petition for review of the United States Department of Labor  
Administrative Review Board in case no. 08-063.

ON MOTION

Before MICHEL, Chief Judge, FRIEDMAN and LINN, Circuit Judges.

PER CURIAM.

## ORDER

The Department of Labor (DOL) moves to dismiss Anthony L. Williams' petition for review for lack of jurisdiction. Williams opposes. DOL replies. Williams submits correspondence and moves for leave to proceed in forma pauperis. The court considers whether this case should be transferred to the United States Court of Appeals for the Ninth Circuit.

Williams petitions this court for review of a decision of the United States Department of Labor's Administrative Review Board. The Board dismissed Williams' complaint, and Williams sought review in this court.

DOL argues that this court lacks jurisdiction because pursuant to 49 U.S.C. § 42121(b)(4)(A) review of orders of the Board in cases such as this lies in "the United

States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation." Williams responds citing various constitutional and statutory provisions and asserts that "in a broader sense, **any** case can fall under the jurisdiction of the Federal Circuit."

We agree with DOL that this court does not have jurisdiction to review the Board's decision. This court's jurisdiction is primarily prescribed by 28 U.S.C. § 1295, and does not include jurisdiction to review a decision of the Board. Further, pursuant to 49 U.S.C. § 42121(b)(4)(A) it is clear that the regional circuit court, in this case the Ninth Circuit, does have jurisdiction. In these circumstances, we determine that the proper course is to transfer the case to the Ninth Circuit. See 28 U.S.C § 1631 (court may transfer an action to a court "in which the action or appeal could have been brought at the time it was filed or noticed").

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is denied.
- (2) This case and Williams' in forma pauperis motion are transferred to the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C § 1631.

FOR THE COURT

MAR 23 2010

Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: Anthony L. Williams  
John S. Groat, Esq.  
s17

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

**MAR 23 2010**