

NOTE: This order is nonprecedential.

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

LIESCHEN L. ROWE,
Petitioner,

v.

DEPARTMENT OF THE ARMY,
Respondent.

2012-3186

Petition for review of the Merit Systems Protection Board in case no. CH0752100744-B-1.

ON MOTION

O R D E R

The petitioner submitted a USERRA Notification Form on August 22, 2012 requesting a waiver of the payment of fees for his appeal. In the court's September 10, 2012 order, this court noted that "Based upon our review, it does not appear that the underlying case included a USERRA claim", and ordered Rowe to either pay the docketing fee within 14 days or submit a motion for leave to proceed in forma pauperis. The docketing fee has

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not been paid nor has a motion for leave to proceed in forma pauperis been filed.

Upon consideration thereof,

IT IS ORDERED THAT:

This appeal is dismissed for failure to prosecute. Any pending motions are denied as moot.

FOR THE COURT

SEP 27 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: John A. Tacker, Esq.
Jane W. Vanneman, Esq.

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Issued As A Mandate: SEP 27 2012

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

SEP 27 2012

JAN HORBALY
CLERK