

NOTE: This order is nonprecedential.

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

AHMED AHMED,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2022-1347

Petition for review of the Merit Systems Protection Board in No. DA-0752-21-0003-I-1.

ON MOTION

Before LOURIE, CHEN, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

After the administrative judge dismissed his appeal for lack of jurisdiction, Ahmed Ahmed bypassed review by the Merit Systems Protection Board (which lacked a quorum at the time) and filed a petition for review at this court. The Board now moves to remand, so that it can consider the jurisdictional issue in the first instance. The Board states

that Mr. Ahmed does not oppose “subject to the preservation of all rights to appeal any and all currently pending issues in the instant action and/or any issues remanded pursuant to a remand in this action.” Mot. at 2. The court agrees that remand here could preserve party and judicial resources, and therefore grants the motion.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The case is remanded to the Board for additional proceedings consistent with this order.

(2) Each side shall bear its own costs.

FOR THE COURT

August 25, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

ISSUED AS A MANDATE: August 25, 2022