

NOTE: This order is nonprecedential.

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

VICTOR M. CASILLAS,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2022-2265

Petition for review of the Merit Systems Protection Board in No. DA-0752-22-0018-I-1.

Before DYK, TARANTO, and STOLL, *Circuit Judges*.
STOLL, *Circuit Judge*.

O R D E R

Victor M. Casillas appealed his removal from the Department of Veterans Affairs to the Merit Systems Protection Board, alleging discrimination on the basis of his age. The Board affirmed the removal, and Mr. Casillas petitioned this court for review and states that he wishes to pursue his age discrimination claim.

Responding to the court's order to show cause asking whether and where this case should be transferred, Mr. Casillas requests transfer to the United States District

Court for the Western District of Texas, which the Department of Veterans Affairs agrees is proper.

Because the district court is the appropriate forum for review of Board decisions involving agency actions appealable to the Board and alleged to be based on certain types of discrimination, 5 U.S.C. § 7703(b)(2); *Perry v. Merit Sys. Prot. Bd.*, 137 S. Ct. 1975, 1985 (2017), we likewise agree that transfer is appropriate. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

Pursuant to 28 U.S.C. § 1631, this case and all transmittals are transferred to the United States District Court for the Western District of Texas.

FOR THE COURT

May 17, 2023
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court