

NOTE: This order is nonprecedential.

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

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**ANTONIO LAMAR SINCLAIR,**  
*Petitioner*

v.

**DEPARTMENT OF THE AIR FORCE,**  
*Respondent*

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2023-1390

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Petition for review of the Merit Systems Protection Board in No. AT-0752-16-0376-X-1.

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

PER CURIAM.

**O R D E R**

Antonio Lamar Sinclair appeals an order of the Merit Systems Protection Board granting the Department of the Air Force an extension of time to submit a notice of compliance. In response to this court's February 13, 2023, show cause order, the Department urges dismissal of this appeal as premature. Mr. Sinclair has not responded.

This court's review of decisions of the Board is limited to final orders or final decisions. *See* 28 U.S.C. § 1295(a)(9); *see also Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361 (Fed.

Cir. 2009) (“We have held that the final judgment rule applies to appeals from the Merit Systems Protection Board.”). Generally, a decision is “final” where it “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Weed*, 571 F.3d at 1361 (citation omitted). An order granting an extension of time clearly fails to end the litigation on the merits and is not a final order or decision. We therefore dismiss this petition for review as premature.

Accordingly,

IT IS ORDERED THAT:

- (1) The petition for review is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

May 17, 2023  
Date

/s/ Jarrett B. Perlow  
Jarrett B. Perlow  
Chief Deputy Clerk