

NOTE: This order is nonprecedential.

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

VINCENT M. MANI,
Petitioner

v.

**DEPARTMENT OF HEALTH AND HUMAN
SERVICES,**
Respondent

2023-1520

Petition for review of the Merit Systems Protection Board in No. DC-0752-19-0577-I-3.

Before PROST, REYNA, and STARK, *Circuit Judges*.

PER CURIAM.

ORDER

Vincent M. Mani appealed his removal from the Department of Health and Human Services to the Merit Systems Protection Board, alleging various affirmative defenses of discrimination based on his disability, race, national origin, and religion. The Board affirmed the removal, and Dr. Mani petitioned this court for review and states that he wishes to continue to pursue his discrimination claims, *see* ECF No. 3 at 1–3; ECF No. 4-1 at 2.

Responding to the court's order asking whether this case should be transferred, Dr. Mani states that the United States District Court for the District of Maryland "may be the correct place for [his] case," ECF No. 10 at 1. The Department does not oppose transfer to that court. ECF No. 11. Because the district court is the appropriate forum for judicial 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.*, 582 U.S. 420 (2017); *Diggs v. Dep't of Hous. & Urb. Dev.*, 670 F.3d 1353, 1357 (Fed. Cir. 2011), we agree that transfer is appropriate to the District of Maryland. See 28 U.S.C. § 1631. Given our disposition, Dr. Mani's consolidation request, ECF No. 4-1 at 1; ECF No. 10 at 1, is best addressed to the district court.

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 District of Maryland.

FOR THE COURT

June 13, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow
Acting Clerk of Court