

NOTE: This order is nonprecedential.

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

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**MICHAEL CHEUNG,**  
*Petitioner*

v.

**DEPARTMENT OF VETERANS AFFAIRS,**  
*Respondent*

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2023-1561

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Petition for review of the Merit Systems Protection Board in No. SF-0714-22-0470-I-1.

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Before LOURIE, HUGHES, and CUNNINGHAM, *Circuit Judges.*

PER CURIAM.

**O R D E R**

Having considered the parties' responses to the court's April 21, 2023, show cause order, the court agrees that transfer of this mixed case to federal district court is appropriate pursuant to 28 U.S.C. § 1631. *Cf.* 5 U.S.C. § 7703(b)(2); *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 432 (2017); *Gates v. Dep't of Veterans Affs.*, No. 2020-2187, slip op. at 5 (Fed. Cir. Feb. 2, 2021).

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 Eastern District of California.

FOR THE COURT

July 6, 2023  
Date

/s/ Jarrett B. Perlow  
Jarrett B. Perlow  
Clerk of Court