

NOTE: This order is nonprecedential.

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

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**NORMA MARIA BAKER,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2023-1585

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Petition for review of the Merit Systems Protection Board in No. NY-3443-22-0050-I-1.

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

PER CURIAM.

**ORDER**

On January 18, 2023, this court received a submission from Norma Maria Baker that was docketed as a petition to review the Merit Systems Protection Board's March 15, 2022, final decision in Board No. NY-3443-22-0050-I-1 (the only matter identified in the petition). Responding to this court's show cause order, the Board urges the court to dismiss as untimely. Ms. Baker has not responded.

“[A] petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit . . . within 60 days after the Board issues notice of the final order or decision.” 5 U.S.C. § 7703(b)(1)(A). This requirement is “mandatory and jurisdictional,” and thus cannot be waived or equitably tolled. *Fedora v. Merit Sys. Prot. Bd.*, 848 F.3d 1013, 1016 (Fed. Cir. 2017) (citation omitted). Because Ms. Baker’s petition was not received within that time, we dismiss.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

July 6, 2023  
Date

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