

NOTE: This order is nonprecedential.

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

ADRIAN E. BLAIR,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2023-1626

Petition for review of the Merit Systems Protection Board in No. DA-0752-16-0302-I-1.

Before LOURIE, MAYER, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

Because Adrian E. Blair asserted before the Merit Systems Protection Board that his removal was in violation of federal antidiscrimination laws and indicated that he did not wish to abandon his discrimination claims on judicial review, this court directed the parties to show cause why this case should not be transferred. Having now considered the responses to that order, we transfer the case to the United States District Court for the Northern District of Texas.

As respondent correctly notes, this is a “[c]ase[] of discrimination subject to the provisions of [5 U.S.C. §] 7702,” 5 U.S.C. § 7703(b)(2). We lack jurisdiction over such a case, which must instead be brought in federal district court. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420 (2017). Under the circumstances, we find it appropriate to transfer pursuant to 28 U.S.C. § 1631 to the Northern District of Texas, where the employment action occurred.

Accordingly,

IT IS ORDERED THAT:

The petition for review and all of the filings are transmitted to the United States District Court for the Northern District of Texas pursuant to 28 U.S.C. § 1631.

FOR THE COURT

October 30, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow
Clerk of Court