

NOTE: This order is nonprecedential.

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

DAVID BROOKS,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2023-1650

Petition for review of the Merit Systems Protection Board in No. DA-3443-17-0032-I-1.

Before CHEN, MAYER, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Following this court's order directing the parties to show cause whether to dismiss or transfer David Brooks' petition for review, we transfer the case to the United States District Court for the Southern District of Texas.

We have jurisdiction to review final decisions from the Merit Systems Protection Board, except in "[c]ases of discrimination subject to the provisions of [5 U.S.C. § 7702," 5 U.S.C. §§ 7703(b)(2), (b)(1)(A). Those cases belong in federal district court. 5 U.S.C. § 7703(b)(2); *Perry v. Merit Sys.*

Prot. Bd., 582 U.S. 420 (2017). Because Mr. Brooks' submissions to this court indicate that he raised a covered discrimination claim before the Board and continues to seek judicial review of his claim, we conclude that transfer is appropriate, 28 U.S.C. § 1631, and, in agreement with the Board's request, ECF No. 20 at 4–5, transfer the case to the Southern District of Texas.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

August 21, 2023
Date

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