

NOTE: This order is nonprecedential.

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

ENAMUL HAQE CHOWDHURY,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2023-1973

Petition for review of the Merit Systems Protection Board in No. DC-3443-21-0635-I-1.

ON MOTION

PER CURIAM.

O R D E R

Following review of the parties' responses¹ to this court's show cause order regarding this court's jurisdiction, we dismiss.

¹ The court construes Enamul Haqe Chowdhury's motion received on August 9, 2023 (ECF No. 17-1), as a

Mr. Chowdhury filed an appeal with the Merit Systems Protection Board based on denial of a grant application. The administrative judge dismissed for lack of jurisdiction, and, on January 23, 2023, the Board dismissed his petition for review as untimely. On May 28, 2023, this court received Mr. Chowdhury's petition for review identifying a Board decision purported to be issued on "03/28/2023."

"[A] petition to review a final order or final decision of the Board shall be filed . . . within 60 days after the Board issues notice of the final order or decision of the Board," 5 U.S.C. § 7703(b)(1)(A). This deadline is jurisdictional and cannot be extended based on individual circumstances. *Fedora v. Merit Sys. Prot. Bd.*, 848 F.3d 1013, 1016 (Fed. Cir. 2017). Here, the petition for review was filed more than 60 days after the Board's decision. And although Mr. Chowdhury's petition seeks review of a Board decision from March 28, 2023, no such decision appears to exist. We therefore dismiss.²

Accordingly,

request to permit him to file documents with the court via email. The court grants that request only to the extent that his response to the show cause order (ECF No. 17-2) is accepted. Mr. Chowdhury should comply with the rules of this court, which generally prohibit filing of documents via email, Fed. Cir. R. 25(a)(1) ("[E]mail transmission of documents will not be accepted."), and his election to file through the court's electronic filing system (CM/ECF).

² Mr. Chowdhury's submissions to this court indicate that he raised some kind of discrimination claim before the Board, ECF No. 6, but, as the Board notes, the record does not support any contention that this is a mixed case under 5 U.S.C. § 7703(b)(2).

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IT IS ORDERED THAT:

(1) ECF No. 17-1 is granted only to the extent that ECF No. 17-2 is accepted as Mr. Chowdhury's response to the court's show cause order. The motion is otherwise denied.

(2) The petition for review is dismissed.

(3) All pending motions are denied.

(4) Each side shall bear its own costs.

FOR THE COURT

October 23, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow

Clerk of Court