

NOTE: This order is nonprecedential.

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

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**JOSEPH C. PAYNE,**  
*Petitioner*

v.

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

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2023-2204

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Petition for review of the Merit Systems Protection Board in No. PH-3443-21-0363-I-1.

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**ORDER**

The petitioner having failed to pay the docketing fee required by Federal Circuit Rule 52 (a) (1) and to file the required Statement Concerning Discrimination, it is

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PAYNE V. MSPB

ORDERED that the petition for review be, and the same hereby is, DISMISSED, for failure to prosecute in accordance with the rules.

FOR THE COURT

September 18, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow

Clerk of Court

**ISSUED AS A MANDATE:** September 18, 2023