

NOTE: This order is nonprecedential.

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

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**PATRICK TAKEUCHI,**  
*Petitioner*

v.

**DEPARTMENT OF THE ARMY,**  
*Respondent*

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2024-1025

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Petition for review of the Merit Systems Protection Board in No. SF-0752-17-0288-I-1.

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**ON MOTION**

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Before DYK, BRYSON, and TARANTO, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Patrick Takeuchi submits a motion for leave to proceed *in forma pauperis*. The Department of the Army moves to transfer this case to the United States District Court for the District of Hawaii. ECF No. 7 at 1. The Department states that the Merit Systems Protection Board consents. Mr. Takeuchi opposes transfer.

Mr. Takeuchi filed the underlying appeal at the Board, arguing that his removal was due to, among other things, sex and age discrimination. The Board dismissed the appeal, concluding that it lacked jurisdiction because Mr. Takeuchi had already filed a civil action in Hawaii asserting that his removal was the result of discrimination.

“Cases of discrimination subject to the provisions of [5 U.S.C.] § 7702” (i.e., mixed cases) belong in district court. 5 U.S.C. § 7703(b)(2); *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 432 (2017); 5 U.S.C. § 7702(a)(1). Whatever the merits of Mr. Takeuchi’s appeal, as the administrative judge here noted, Mr. Takeuchi brought a “mixed case appeal given its substance,” ECF No. 6 at 14, and his filings in this court indicate that he seeks judicial review of his discrimination claims. We accordingly grant the motion and transfer pursuant to 28 U.S.C. § 1631 to the District of Hawaii, where the employment action occurred.

Accordingly,

IT IS ORDERED THAT:

The motion to transfer is granted to the extent that this case and all transmittals are transferred, pursuant to 28 U.S.C. § 1631, to the United States District Court for the District of Hawaii.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

January 25, 2024  
Date