

NOTE: This order is nonprecedential.

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

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**TATYANA E. DREVALEVA,**  
*Petitioner*

v.

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

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2024-1656

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Petition for review of the Merit Systems Protection Board in No. DE-0752-19-0097-I-1.

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**ON MOTION**

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PER CURIAM.

**O R D E R**

Tatyana E. Drevaleva has petitioned this court to review the Merit Systems Protection Board's final decision dismissing her appeal challenging her removal. In light of Ms. Drevaleva's Statement Concerning Discrimination, the court directed the parties to show cause why this case should not be transferred to a federal district court. Ms. Drevaleva now moves for various relief, including transfer of this matter to the United States District Court for the

District of New Mexico<sup>1</sup> and for a stay of this case pending her request for reconsideration of the United States District Court for the District of Columbia's denial of a temporary restraining order. *See* ECF Nos. 19, 21, and 22. The Board urges the court to dismiss the case.

This is not the first time Ms. Drevaleva has challenged her removal in court. *See Drevaleva v. McDonough*, No. 22-cv-00887, 2022 WL 15173728 (N.D. Cal. Oct. 26, 2022) (summarizing her cases up to 2022). In fact, this case has been before this court once before. In 2019, she filed a petition for review from the initial decision of the administrative judge. Having concluded that this was a “[c]ase[] of discrimination subject to the provisions of [5 U.S.C. §] 7702” and therefore outside of this court’s jurisdiction under 5 U.S.C. § 7703(b), we transferred the case to the United States District Court for the Northern District of California, *see Drevaleva v. Dep’t of Veterans Affs.*, No. 2019-1912, ECF No. 17 (Fed. Cir. Sept. 11, 2019), which dismissed the case as barred by res judicata, *Drevaleva v. Wilkie*, No. C 19-05927, 2019 WL 6911632, at \*2 (N.D. Cal. Dec. 19, 2019) (explaining that “[t]his is the same grievance [the court] previously decided” in a prior suit). The United States Court of Appeals for the Ninth Circuit dismissed Ms. Drevaleva’s appeal as frivolous. Here again, this case does not belong in this court. In light of Ms. Drevaleva having already litigated this matter in federal court, we conclude that transfer would not be in the interest of justice, 28 U.S.C. § 1631, and thus dismiss.

Accordingly,

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<sup>1</sup> Ms. Drevaleva initially sought transfer to the United States District Court for the Northern District of California, *see* ECF No. 19 at 1, and then filed a “corrected motion” seeking transfer to the District of New Mexico, *see* ECF No. 21 at 1.

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IT IS ORDERED THAT:

- (1) The petition for review is dismissed.
- (2) All pending motions are denied.
- (3) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

August 30, 2024  
Date