

NOTE: This order is nonprecedential.

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

CRYSTAL N. RODGERS,
Petitioner

v.

UNITED STATES POSTAL SERVICE,
Respondent

2024-1682

Petition for review of the Merit Systems Protection Board in No. SF-0752-22-0229-I-1.

Before PROST, TARANTO, and HUGHES, *Circuit Judges*.

PER CURIAM.

O R D E R

Crystal N. Rodgers filed an appeal at the Merit Systems Protection Board challenging her removal from federal service and raising, in relevant part, an affirmative defense of discrimination. The Board's final decision affirmed. She petitioned this court for review and her filings indicate that she wishes to continue to pursue her discrimination and retaliation claims. ECF No. 2 at 1–3; ECF No. 1-2 at 13. Responding to this court's show cause order, the United States Postal Service urges dismissal or transfer.

Ms. Rodgers responds and appears to argue the merits of the case, including her discrimination claims.

We transfer this case. Federal district courts, not this court, have jurisdiction over “[c]ases of discrimination subject to the provisions of [5 U.S.C.] § 7702,” 5 U.S.C. § 7703(b)(2), which involve an allegation of an action appealable to the Board and an allegation that a basis for the action was covered discrimination. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, Ms. Rodgers continues to pursue the allegations she made before the Board that her removal was the result of covered discrimination, so jurisdiction to review the Board’s decision lies in district court. We agree with the agency that transfer to the United States District Court for the Central District of California, where the employment action appears to have occurred, is appropriate. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

This matter and all case filings are transferred to the United States District Court for the Central District of California pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

July 23, 2024
Date