

NOTE: This order is nonprecedential.

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

LANCE MCDERMOTT,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

UNITED STATES POSTAL SERVICE,
Intervenor

2024-1788

Petition for review of the Merit Systems Protection Board in No. SF-0752-20-0705-I-1.

Before REYNA, LINN, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Lance McDermott seeks review of the Merit Systems Protection Board's decision dismissing his involuntary retirement appeal alleging disability discrimination. In response to this court's show cause order, the Board and the United States Postal Service urge transfer to district court; Mr. McDermott asks this court to retain jurisdiction.

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), involving an allegation of an action appealable to the Board and an allegation that a basis for the action was covered discrimination, § 7702; *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Because Mr. McDermott pursued his discrimination claims before the Board and wishes to continue to pursue those claims on judicial review, we agree with the Board and the Postal Service that transfer to the United States District Court for the Western District of Washington, 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 Western District of Washington pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 21, 2024
Date