

NOTE: This order is nonprecedential.

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

JANELLE M. COLEMAN,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-1807

Petition for review of the Merit Systems Protection Board in No. DA-1221-22-0196-W-1.

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

PER CURIAM.

O R D E R

Janelle M. Coleman seeks review of a decision of the Merit Systems Protection Board dismissing her appeal subject to automatic refiling and forwarding the appeal to the regional office for further proceedings on the merits.¹

¹ The matter has been refiled as DA-1221-22-0196-W-2.

In response to this court's July 8, 2024 order to show cause, the Board urges dismissal while Ms. Coleman asks the court to proceed with the case.

This court has jurisdiction over only final decisions and orders from the Board. *See* 28 U.S.C. § 1295(a)(9); *Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361 (Fed. Cir. 2009). As a general rule, an order is final only when it “ends the litigation on the merits and leaves nothing for the court to do but execute judgment.” *Id.* (internal quotation marks and citations omitted). A decision that forwards the matter and indicates further proceedings on the merits are required fails to end the litigation on the merits and is not a final decision of the Board that can be appealed. *See Strausbaugh v. Merit Sys. Prot. Bd.*, 401 F. App'x 524, 526 (Fed. Cir. 2010) (citing *Taylor-Holmes v. Off. of Cook Cnty. Pub. Guardian*, 503 F.3d 607, 609 (7th Cir. 2007); *Borelli v. City of Reading*, 532 F.2d 950, 951–52 (3d Cir. 1976); and 9 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure*, Civil § 2367 (3d ed. 2008)).

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 8, 2024
Date