

NOTE: This order is nonprecedential.

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

ERIC T. MULLER,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-1844

Petition for review of the Merit Systems Protection Board in No. SF-0752-22-0373-I-1.

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

PER CURIAM.

O R D E R

Eric T. Muller petitions this court to review the final decision of the Merit Systems Protection Board dismissing his appeal in which he alleged involuntary retirement based, in part, on disability discrimination. In response to this court's July 24, 2024 show cause order, the Board urges transfer; Mr. Muller confirms he does "not want to waive" his discrimination claim. ECF No. 14 at 4.

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). Because Mr. Muller is pursuing a case of discrimination here, we transfer pursuant to 28 U.S.C. § 1631 to the United States District Court for the District of Oregon, where the employment action occurred.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

November 8, 2024
Date