

NOTE: This order is nonprecedential.

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

YEASIN BHUIYAN,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-1881

Petition for review of the Merit Systems Protection Board in No. CH-315H-24-0215-I-1.

Before DYK, REYNA, and CHEN, *Circuit Judges*.

PER CURIAM.

O R D E R

In response to this court's July 17, 2024 show cause order, the Merit Systems Protection Board urges transfer. Yeasin Bhuiyan has not filed a response.

Mr. Bhuiyan filed an appeal at the Merit Systems Protection Board challenging his termination and raising an affirmative defense of discrimination based on, among other things, race and gender. An administrative judge dismissed the appeal for lack of jurisdiction, and Mr. Bhuiyan filed a petition for review with this court. In his filings

with this court, he indicates that he wishes to continue to pursue his discrimination claims.

We transfer. Federal district courts, not this court, have jurisdiction over “[c]ases of discrimination subject to the provisions of [5 U.S.C. §] 7702,” § 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, § 7702. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, as the Board notes, Mr. Bhuiyan alleged before the Board that his termination was based, at least in part, on covered discrimination, and he continues to pursue that claim. We agree with the Board that transfer to the United States District Court for the Southern District of Ohio, where the employment action appears to have occurred, is appropriate. 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 Southern District of Ohio pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

September 16, 2024

Date