

NOTE: This order is nonprecedential.

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

SONJA LENETTE DAVIS,
Petitioner

v.

DEPARTMENT OF THE NAVY,
Respondent

2024-2017

Petition for review of the Merit Systems Protection Board in No. AT-0752-22-0529-I-1.

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

PER CURIAM.

O R D E R

Sonja Lenette Davis petitions this court to review the final decision of the Merit Systems Protection Board affirming her removal and rejecting her affirmative defenses of discrimination on the basis of race, age, color, disability, sex, and retaliation for prior equal employment opportunity activity. Responding to this court's show cause order, both parties request transfer to the United States District Court for the District of South Carolina.

Because the district court is the appropriate forum for judicial review of Board decisions involving agency actions appealable to the Board and alleged to be based on certain types of discrimination as well as retaliation, 5 U.S.C. § 7703(b)(2); *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420 (2017); *Diggs v. Dep't of Hous. & Urb. Dev.*, 670 F.3d 1353, 1357 (Fed. Cir. 2011) (holding that the affirmative defense of retaliation for prior EEO activity “falls outside [of the court’s] jurisdictional reach”), we transfer to the District of South Carolina. *See* 28 U.S.C. § 1631.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 11, 2024
Date