

NOTE: This order is nonprecedential.

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

LIBBY A. DEMERY,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-2215

Petition for review of the Merit Systems Protection Board in No. PH-3330-19-0292-I-1.

LIBBY A. DEMERY,
Petitioner

v.

DEPARTMENT OF THE ARMY,
Respondent

2025-1183

Petition for review of the Merit Systems Protection Board in No. DC-3443-24-0105-I-1.

LIBBY A. DEMERY,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2025-1184

Petition for review of the Merit Systems Protection Board in No. DC-3443-0042-I-1.

ON MOTION

PER CURIAM.

O R D E R

The court's November 15, 2024 order construed submissions from Libby A. Demery as seeking review of various decisions by the Merit Systems Protection Board or its Clerk. Ms. Demery moves for reconsideration of aspects of that order and other relief. Appeal No. 2024-2215, ECF No. 24.

Though the court construed submissions from Ms. Demery as petitions to review denials of her requests to reopen the appeal underlying Appeal No. 2024-2215, Ms. Demery states that she "is not seeking to appeal" from those denials. Appeal No. 2024-2215, ECF No. 24 at 1. Ms. Demery's briefing therefore should not challenge those

denials, and ECF No. 15 in Appeal No. 2024-2215 is no longer considered a petition for review of those denials.

Ms. Demery opposes any extension of time for the Board to file its response brief in Appeal No. 2024-2215. The court reset the time for the Board to respond because the Board, at Ms. Demery's request, was directed to submit an updated certified list including her requests to reopen that underlying appeal. Ms. Demery appears to maintain that request, and the Board submitted the updated certified list on November 25, 2024, as directed by the court. The Board's response brief remains due 40 days from the date of service of that updated certified list. *See* Fed. Cir. R. 31(a)(2).

Ms. Demery seeks to dismiss Appeal Nos. 2025-1183¹ and 2025-1184,² which the court opened because it understood Ms. Demery's letter received September 19, 2024, as petitions challenging those underlying final decisions of the Board as "erroneous." Appeal No. 2024-2215, ECF No. 15-2 at 1. The court grants Ms. Demery's voluntary requests to dismiss those appeals.³

Ms. Demery withdraws her request to consolidate her remaining related appeals and objects to their companion treatment because she "is unrepresented and anticipates

¹ From Merit Systems Protection Board No. DC-3443-24-0105-I-1.

² From Merit Systems Protection Board No. DC-3443-23-0042-I-1.

³ On November 4, 2024, the court received from Ms. Demery a separate petition for review of Board No. DC-3443-24-0105-I-1, which was docketed as Appeal No. 2025-1157. That appeal currently is subject to a motion to dismiss, which the court will address separately.

legal complications.” Appeal No. 2024-2215, ECF No. 24 at 2. The court will not consolidate Ms. Demery’s remaining appeals, but they will be designated as companion cases, which merely means the cases will be briefed separately on separate schedules but will be submitted to the same merits panel for disposition once briefing completes.

Accordingly,

IT IS ORDERED THAT:

(1) ECF No. 24 in 2024-2215 is granted only to the extent that Appeal Nos. 2025-1183 and 2025-1184 are voluntarily dismissed. All pending motions in those cases are denied as moot. Each side shall bear its own costs relative to those appeals.

(2) Appeal No. 2024-2215 and Appeal No. 2025-1157 shall be considered companion cases, to be briefed separately and assigned to the same merits panel for disposition.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

December 19, 2024
Date

ISSUED AS A MANDATE (as to Appeal Nos. 2025-1183 and 2025-1184 only): December 19, 2024