

NOTE: This order is nonprecedential.

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

MICHAEL D. DOBBINS,
Petitioner

v.

DEPARTMENT OF TRANSPORTATION,
Respondent

2024-2290

Petition for review of the Merit Systems Protection Board in No. CH-0752-18-0471-I-1.

Before DYK, CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

The Merit Systems Protection Board affirmed Michael D. Dobbins's demotion and rejected his affirmative defense of discrimination based on race, which Mr. Dobbins continues to pursue. Following this court's November 19, 2024, order directing the parties to address this court's jurisdiction, both parties argue this court lacks jurisdiction and should transfer the matter to the United States District Court for the Eastern District of Michigan.

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, § 7702. *Perry v. Merit Sys. Prot. Bd.*, 582 U.S. 420, 437 (2017). Here, Mr. Dobbins raised a claim of covered discrimination before the Board and continues to pursue that claim such that his case belongs in district court. We agree with the parties that transfer to the Eastern District of Michigan, 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 Eastern District of Michigan pursuant to 28 U.S.C. § 1631.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

January 14, 2025
Date