

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

Plaintiff alleges that “MSPB denied the appeal on technical grounds without even reaching the merits of the case by claiming [that she had] previously filed a Grievance complaint but overlooked important facts showing the agency bad faith to process the Grievance complaint.” Compl. at 3. Now that the MSPB’s Initial Decision has become final, plaintiff seeks judicial review. This court is without jurisdiction, however. Where, as here, the MSPB’s decision was based on jurisdictional grounds, plaintiff’s appeal is proper only in the United States Court of Appeals for the Federal Circuit. 5 U.S.C. § 7703(b)(1) (providing that “a petition to review a final order or final decision of the [MSPB] shall be filed in the United States Court of Appeals for the Federal Circuit”); *see Powell v. Dep’t of Defense*, 158 F. 3d 597, 598-99 (D.C. Cir. 1998).¹ Accordingly, the Court will dismiss the complaint for lack of subject matter jurisdiction. *See, e.g., Williams v. Office of Personnel Management*, 983 F. Supp. 2d 153, 154 (D.D.C. 2013). An Order is issued separately.

DATE: 6/18/15


United States District Judge

¹ The Court treats the complaint as one challenging the MSPB’s April 10, 2015 decision only. It appears that plaintiff has raised substantially similar employment discrimination claims both in this action and in a separate civil action. *See Husain v. Shah*, Civ. No. 15-0708 (UNA) (D.D.C. filed May 8, 2015). Plaintiff may pursue her employment discrimination claims in the earlier case.