

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-2037

AMELIA LEHNER,

Petitioner,

v.

DEPARTMENT OF DEFENSE,

Respondent.

On Petition for Review of an Order of the Merits Systems Protection Board. (DC-0752-22-0591-I-1)

Submitted: June 17, 2025

Decided: June 20, 2025

Before GREGORY, QUATTLEBAUM, and BERNER, Circuit Judges.

Petition transferred by unpublished per curiam opinion.

Amelia Lehner, Petitioner Pro Se. Albert S. Iarossi, Assistant Director, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Amelia Lehner petitions for review of a decision of the Merit Systems Protection Board (MSPB), which affirmed, in relevant part, the administrative law judge's determination that Lehner failed to establish that the MSPB had jurisdiction over her claims. Respondent moves to dismiss the petition, in part because Lehner's case includes allegations of discrimination.

For cases like this one, which include at least one claim that the employer violated a federal antidiscrimination statute, petitions for review of the MSPB decision must be filed in the appropriate district court. *See Kloeckner v. Solis*, 568 U.S. 41, 50 (2012). Accordingly, we conclude that this petition should have been filed in the United States District Court for the Eastern District of Virginia. We agree with the parties that, "in the interest of justice," transfer of this petition to that court is warranted.* *See* 28 U.S.C. § 1631.

Based on the foregoing, we grant Respondent's motion, in part, and transfer the petition to the United States District Court for the Eastern District of Virginia pursuant to § 1631. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION TRANSFERRED

* Accordingly, we deny Lehner's motion for appointment of counsel, and deny as moot Respondent's motion to suspend briefing.