

NOTE: This order is nonprecedential.

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

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**DIANE MIDYETT, substituted for F. Allan  
Midyett,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2023-1268

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Petition for review of the Merit Systems Protection  
Board in No. DA-3330-15-0309-I-1.

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**ORDER**

The petitioner having failed to file a motion to  
substitute pursuant to the court's January 23, 2024 order,  
it is

ORDERED that the petition for review be, and the same hereby is, DISMISSED, for failure to prosecute in accordance with the rules and pursuant to the court's January 23, 2024 order.

FOR THE COURT

April 9, 2024  
Date



Jarrett B. Perlow  
Clerk of Court

**ISSUED AS A MANDATE:** April 9, 2024