

NOTE: This order is nonprecedential.

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

ELIZABETH OYER,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2026-1346

Petition for review of the Merit Systems Protection Board in No. DC-0752-25-2372-I-1.

ON MOTION

Before MAYER, *Circuit Judge*.

O R D E R

Elizabeth Oyer moves without opposition to substitute the Merit Systems Protection Board as respondent. The court considers its jurisdiction.

Ms. Oyer appealed her removal to the Board. Over Ms. Oyer's objections, the administrative judge dismissed her appeal without prejudice and subject to automatic reinstatement on or around May 20, 2026, finding it would be

in the interest of administrative efficiency to do so in light of the same legal issue pending before the Board in two other appeals. Ms. Oyer petitions for review.

Although this court has authority to review certain decisions of the Board, that authority is limited in a way that may apply here: our jurisdiction is generally limited to “an appeal from a *final* order or *final* decision of the . . . Board,” 28 U.S.C. § 1295(a)(9) (emphases added), and “an order is final only when it ends the litigation on the merits and leaves nothing for the [tribunal] to do but execute the judgment,” *Weed v. Soc. Sec. Admin.*, 571 F.3d 1359, 1361 (Fed. Cir. 2009) (cleaned up); *cf. PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1361 (Fed. Cir. 2018).

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. The official and short captions are revised as reflected in this order.

(2) Within 30 days from the date of entry of this order, the parties are directed to address this court’s jurisdiction, including whether this matter should be dismissed as premature.

(3) Otherwise, these proceedings are stayed.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

February 20, 2026

Date