

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 08-1108**

**September Term 2007**

**MSPB**

**Filed On:** June 11, 2008

In re: Joseph P. Carson,

Petitioner

**BEFORE:** Henderson, Rogers, and Tatel, Circuit Judges

**ORDER**

Upon consideration of the motion for leave for court's consideration as petition for writ of mandamus as an appeal, it is

**ORDERED** that the motion be denied. Even if the petition for writ of mandamus were construed as a notice of appeal and a motion for summary reversal, the district court's order should be summarily affirmed. The district court properly declined to exercise jurisdiction over petitioner's mandamus petition, because petitioner failed to show that his right to relief was clear and indisputable. See Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988).

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk/LD