

NOTE: This order is nonprecedential.

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

ROBERT J. MACLEAN,
Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,
Respondent.

2011-3231

Petition for review of the Merit Systems Protection
Board in No. SF0752060611-I-2.

**ON PETITION FOR REHEARING AND
REHEARING EN BANC**

Before RADER, *Chief Judge*, NEWMAN, LOURIE, DYK,
PROST, MOORE, O'MALLEY, REYNA, WALLACH, and
TARANTO, *Circuit Judges*.*

PER CURIAM.

ORDER

A combined petition for panel rehearing and rehearing en banc was filed by the respondent Department of Homeland Security, and a response thereto was invited by the court and filed by the petitioner. The petition and response were referred to the panel that heard the appeal, and thereafter were referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The petition for panel rehearing is denied.

(2) The petition for rehearing en banc is denied.

The mandate of the court will issue on September 6, 2013.

FOR THE COURT

August 30, 2013

Date

/s/ Daniel E. O'Toole

Daniel E. O'Toole
Clerk

* Circuit Judge Chen did not participate.

cc: Lawrence Berger
Thomas M. Devine
Michael P. Goodman
F. Douglas Hartnett
David B. Nolan