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Appendix A

**APPENDIX A – ORDER OF THE UNITED
STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT, FILED
OCTOBER 01, 2025**

UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT

No. 25-5056

Tatyana Evgenievna Drevaleva,
Appellant

v.

United States of America, et al.,
Appellees

September Term, 2025

1:24-cv-01023-DLF

Filed On: October 1, 2025

BEFORE: Millett, Pillard, and Garcia, Circuit
Judges

ORDER

Upon consideration of the motion for summary
affirmance, the opposition thereto, and the reply; the
motions for summary reversal, the supplements and
errata, and the opposition thereto; the motions to
extend time and the responses thereto; the motions

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for leave to file out of time; the motions to expedite; the motions for injunctive relief; the motions for other relief; the motion to appoint counsel and amicus curiae; the motions to strike; the motion for leave to file record; the motions for sanctions; the motion for leave to adduce additional evidence; the motion for leave to seal; the motion to certify; the motion to recaption; the motion concerning appendix deferral; and the court's order entered July 14, 2025, it is

ORDERED that the motions to extend time and the motions for leave to file out of time be granted. The Clerk is directed to file appellant's lodged motions. It is

FURTHER ORDERED that the motion for summary affirmance be granted and the motions for summary reversal be denied. The merits of the parties' positions are so clear as to warrant summary action. See *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court correctly concluded that appellant's discrimination claims were barred by claim preclusion because they were or could have been raised in her prior case, *Drevaleva v. Dep't of Veterans Affairs*, No. 21-cv-761 (D.N.M.). See *Ashbourne v. Hansberry*, 894 F.3d 298, 302 (D.C. Cir. 2018). In regard to appellant's challenge to the Merit Systems Protection Board's dismissal of her appeal there, appellant has not shown that the district court erred in holding that she failed to demonstrate a basis for the Board's jurisdiction. See *Perry v. Raimondo*, 101 F.4th 55, 63 (D.C. Cir. 2024).

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To the extent appellant raises arguments contained in documents that the district court did not permit her to file, she does not show that the district court abused its discretion in denying her motions for leave to file, see *Berry v. District of Columbia*, 833 F.2d 1031, 1037 n.24 (D.C. Cir. 1987), and the court does not consider arguments insufficiently raised in the district court, see *Cruz v. Am. Airlines, Inc.*, 356 F.3d 320, 329 (D.C. Cir. 2004). It is

FURTHER ORDERED that the motions to expedite and for injunctive relief be dismissed as moot. It is

FURTHER ORDERED that appellant's remaining motions be denied. Appellant has not demonstrated that she is entitled to the relief requested in those motions. It is

FURTHER ORDERED that the court's order dated July 14, 2025, directing the Clerk not to accept from appellant any further submissions in this case, be lifted. Failure to follow the Federal Rules of Appellate Procedure and this court's rules and to refrain from submitting repetitive filings will result in reinstatement of the July 14 order.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

Appendix A

Appendix B

**APPENDIX B – ORDER OF THE UNITED
STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA CIRCUIT, FILED
FEBRUARY 10, 2025**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

No. 24-cv-01023 (DLF)

Tatyana Evgenievna Drevaleva,
Plaintiff

v.

UNITED STATES OF AMERICA, et al.,
Defendants

ORDER

Tatyana Evgenievna Drevaleva, proceeding *pro se*, again brings this action challenging her termination from the Veterans Affairs New Mexico Healthcare System. She seeks review of a Merit Systems Protection Board (the “Board”) decision dismissing her appeal. Before the Court are the defendants’ Motion to Dismiss or for Summary Judgment, Dkt. 37, and twenty-six motions filed by Drevaleva.¹ For the following reasons, the Court will GRANT the

¹ Motions for Reconsideration, Dkts. 19, 28, 45, 63, 68; Motions to Permit, Dkts. 24, 26; Motions for Leave to File, Dkts. 31, 33, 38, 40, 46, 49, 50, 51, 54, 56, 57, 62, 64; Motion to Stay, Dkt. 47; Motions for Extension of Time, Dkts. 36, 44; and Motions to Compel, Dkts. 52, 69, 70.

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defendants' motion, dismiss the complaint with prejudice, and DENY the plaintiff's motions as moot.²

The facts of this case and of Drevaleva's history of frivolous litigation are outlined in the Court's dismissal order in a previous case filed by this plaintiff. *See* Order, No. 22-cv-3453, Dkt. 2. Since then, Drevaleva has continued to file numerous cases and appeals.

As relevant here, Drevaleva appeals a Board decision dismissing her discrimination claim based on her termination. *Drevaleva v. Dep't of Veterans Affs.*, No. DE-0752-19-0097-I-1, 2019 WL 1047674 (M.S.P.B. Feb. 26, 2019). An administrative judge determined the Board lacked jurisdiction because Drevaleva was not an employee entitled to bring an appeal under 5 U.S.C. § 7511(a)(1)(C). Drevaleva appealed to the Board, and the Board affirmed. Compl. Ex. 1, Dkt. 1.

In the instant case, Drevaleva "is filing a Petition for Review of the February 01, 2024 Final Decision of the M.S.P.B." Compl. ¶ 2. She also "alleg[es] intentional discrimination against my sex/gender, against my desire to have a child, against my age 50 yo [sic] at the time of the intentional discriminatory action, and against my temporary disability." *Id.*

To the extent Drevaleva purports to be raising her underlying discrimination claims, this Court has previously dismissed them as barred by res judicata

² Because the Court will grant the motion to dismiss, it need not consider the motion for summary judgment.

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and incorporates that reasoning here. *See* Order at 2, No. 22-cv-3453 (“[I]t is patently obvious that Drevaleva’s claims cannot prevail because they were already previously dismissed with prejudice by the District Court for the District of New Mexico.”).

Drevaleva’s only argument challenging the Board’s dismissal for lack of jurisdiction is that the Board “clearly had jurisdiction over [her] case . . . because this case involves [] intentional discrimination.” Compl. ¶ 4. But discrimination claims like Drevaleva’s do not independently give the Board jurisdiction. *See Cruz v. Dep’t of Navy*, 934 F.2d 1240, 1245–46 (Fed. Cir. 1991) (en banc) (finding that “discriminatory acts in themselves [are not] agency actions appealable to the Board”). And the Board correctly determined it had no other basis to exercise jurisdiction. Drevaleva was a probationary employee at the time of her firing. *See Drevaleva v. Dep’t of Veterans Affs.*, No. C 18-03748, 2019 WL 95446, at *1 (N.D. Cal. Jan. 3, 2019) (noting Drevaleva was “in the probationary period of her employment”). The Board does not have jurisdiction over probationary employees. *See Castle v. Rubin*, 78 F.3d 654, 658 (D.C. Cir. 1996). Thus, the Board correctly dismissed her appeal for lack of jurisdiction.

Accordingly, it is

ORDERED that the defendants’ Motion to Dismiss, Dkt. 37, is **GRANTED**. It is further

ORDERED that the plaintiffs’ Motions for Reconsideration, Dkts. 19, 28, 45, 63, 68; Motions to

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Permit, Dkts. 24, 26; Motions for Leave to File, Dkts. 31, 33, 38, 40, 46, 49, 50, 51, 54, 56, 57, 62, 64; Motion to Stay, Dkt. 47; Motions for Extension of Time, Dkts. 36, 44; and Motions to Compel, Dkts. 52, 69, 70, are **DENIED** as **MOOT**.

This is a final appealable order. The Clerk of Court is instructed to mail a copy of this Order to the plaintiff's address of record and close the case.

DABNEY L. FRIEDRICH
United States District Judge

February 10, 2025

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Appendix C

**APPENDIX C – DENIAL OF PANEL
REHEARING, FILED DECEMBER 05, 2025**

**UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

No. 25-5056

Tatyana Evgenievna Drevaleva,
Appellant

v.

United States of America, et al.,
Appellees

September Term, 2025

1:24-cv-01023-DLF

Filed On: December 05, 2025

BEFORE: Millett, Pillard, and Garcia, Circuit
Judges

ORDER

Upon consideration of the petition for rehearing, it
is

ORDERED that the petition be denied.

Per Curiam

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FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

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Appendix D

**APPENDIX D – DENIAL OF REHEARING EN
BANC, FILED DECEMBER 05, 2025**

**UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT**

No. 25-5056

Tatyana Evgenievna Drevaleva,
Appellant

v.

United States of America, et al.,
Appellees

September Term, 2025

1:24-cv-01023-DLF

Filed On: December 05, 2025

BEFORE: Srinivasan, Chief Judge, and
Henderson, Millett, Pillard, Wilkins, Katsas, Rao,
Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for rehearing
en banc, and the absence of a request by any member
of the court for a vote, it is

ORDERED that the petition be denied.

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Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk