

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-1169**September Term 2011****FCC-12-26****Filed On: August 8, 2012**

Warren C. Havens,

Petitioner

v.

Federal Communications Commission and
United States of America,

Respondents

BEFORE: Sentelle, Chief Judge, and Garland and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion to hold in abeyance, the response thereto, and the reply; and the motion to dismiss, the response thereto, and the reply, it is

ORDERED that the motion to hold in abeyance be denied. It is

FURTHER ORDERED that the motion to dismiss be granted. Because of the pendency of petitioner's request for administrative reconsideration, the agency order petitioner challenges is not a final reviewable order with respect to petitioner, and his petition for review is incurably premature. See Wade v. FCC, 986 F.2d 1433, 1434 (D.C. Cir. 1993) (per curiam); TeleSTAR, Inc. v. FCC, 888 F.2d 132, 134 (D.C. Cir. 1989); United Transp. Union v. ICC, 871 F.2d 1114, 1116-18 (D.C. Cir. 1989). Once the agency rules on petitioner's request for administrative reconsideration, whether by granting or denying it on the merits or by denying petitioner permission to file the administrative reconsideration, the agency order(s) become "final" and petitioner may seek review.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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