

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

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**No. 14-1250****September Term, 2015****FCC-11/15/14 Letter****Filed On:** October 6, 2015

William Johnson,

Petitioner

v.

Federal Communications Commission and  
United States of America,

Respondents

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

**ORDER**

Upon consideration of the motion to dismiss and to defer filing the certified index to the record, the opposition thereto, and the reply, it is

**ORDERED** that the motion to dismiss be granted. Petitioner appeals the dismissal as untimely of his application for review of a decision dismissing his petition to rescind the transfer of a radio license. Because Petitioner is “aggrieved . . . by [an] order of the commission granting” “an application for authority to transfer” the license, his appeal is governed by 47 U.S.C. §§ 402(b). See 47 U.S.C. §§ 402(b)(3), (6). See also Waterway Commc’ns Sys., Inc. v. FCC, 851 F.2d 401, 403 (D.C. Cir. 1988) (“Jurisdiction for review of FCC licensing-related decisions is governed by § 402(b).”). Such appeals must be filed within thirty days of the date on which public notice of the challenged decision is given. 47 U.S.C. § 402(c). Petitioner failed to file his appeal within that time, and it therefore must be dismissed. See N. Am. Catholic Educ. Programming Found., Inc. v. FCC, 437 F.3d 1206, 1208 (D.C. Cir. 2006) (quoting Waterway Commc’ns Sys., Inc., 851 F.2d at 405) (“[A]n untimely appeal or petition *must* be dismissed for lack of jurisdiction.”) (emphasis in original). It is

**FURTHER ORDERED** that the request to defer filing the certified index to the record be dismissed as moot.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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