

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

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**No. 18-1339****September Term, 2018****FCC-18-168****Filed On: June 4, 2019**

Warren C. Havens, individually and as  
assignee,

Petitioner

v.

Federal Communications Commission and  
United States of America,

Respondents

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**No. 18-1343**

Warren C. Havens, individually and as  
assignee,

Appellant

v.

Federal Communications Commission and  
United States of America,

Appellees

**BEFORE:** Tatel, Millett, and Rao, Circuit Judges

**ORDER**

Upon consideration of the motion to transfer, the response thereto, the reply, and the supplement to the reply; and the motion to dismiss, the response thereto, and the reply, it is

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**ORDERED** that the motion to transfer be denied. The district court lacks jurisdiction to review final decisions of the Federal Communications Commission. See 28 U.S.C. § 2342; 47 U.S.C. § 402. It is

**FURTHER ORDERED** that the motion to dismiss be granted. A party may not simultaneously seek agency reconsideration and judicial review of the same agency order. See Bellsouth Corp. v. FCC, 17 F.3d 1487, 1489-90 (D.C. Cir. 1994); Wade v. FCC, 986 F.2d 1433, 1434 (D.C. Cir. 1993). Warren Havens's requests for agency review render his petition for review and notice of appeal incurably premature. See TeleSTAR, Inc. v. FCC, 888 F.2d 132, 134 (D.C. Cir. 1989).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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