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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 RICHARD D. NEUMANN, DBA CALIFORNIA )  
12 AIR CHARTER, HOLIDAY AIRWAYS, )

13 Plaintiffs, )

14 v. )

15 UNITED STATES OF AMERICA, CIVIL )  
16 AERONAUTICS BOARD, CENTRAL )  
INTELLIGENCE AGENCY, DOE ONE )  
17 THROUGH FIFTEEN, Inclusive, )

18 Defendants. )

NO. CV 75-4193-MML

JUDGMENT OF DISMISSAL

19  
20 The defendants' Motion to Dismiss in the above-entitled  
21 matter having come on regularly for hearing on September 20,  
22 1976, before the Honorable Malcolm M. Lucas, United States  
23 District Judge, said defendants being represented by their  
24 attorneys, William D. Keller, United States Attorney,  
25 Frederick M. Brosio, Jr., Assistant U. S. Attorney, Chief, Civil  
26 Division, by Stephen D. Petersen, Assistant U. S. Attorney, and  
27 plaintiffs being represented by Richard D. Neumann with counsel,  
28 D. J. DeVanna, Esq., the Court having considered the pleadings,  
29 legal memoranda, and oral arguments herein; and

30 WHEREAS it appears that plaintiff seeks (1) judicial  
31 review of certain orders of the Civil Aeronautics Board; (2) an  
32 award of damages for allegedly tortious conduct by defendants,

SDP:ph

1 and (3) certain injunctive and declaratory relief; and

2 WHEREAS, it further appears

3 (1) that judicial review of the Civil Aero-  
4 nautics Board orders may be had only in the  
5 appropriate United States Court of Appeals,  
6 see 49 U.S.C. § 1486; Robinson v. Dow, 522 F.2d  
7 855, 858 (6th Cir. 1975); Oling v. Air Line  
8 Pilots Association, 346 F.2d 270, 276-278  
9 (7th Cir. 1965), cert. denied, 382 U.S. 926  
10 (1965);

11 (2) that this Court lacks subject matter jurisdiction  
12 to entertain the claim for tort damages because  
13 (a) plaintiffs have failed to file an admini-  
14 strative claim pursuant to 28 U.S.C. § 2675(a)  
15 and also because (b) the tort theories pleaded  
16 are barred by the provisions of 28 U.S.C.  
17 § 2680(h);

18 (3) that plaintiffs lack standing to seek the sought  
19 injunctive and/or declaratory relief, and it is  
20 therefore unnecessary for the Court to reach the  
21 additional grounds for dismissal urged by  
22 defendants; and

23 Accordingly, IT IS ORDERED, ADJUDGED AND DECREED:

24 That the action be and the same is hereby dismissed for  
25 failure to state a claim upon which relief can be granted.

26 COSTS are taxed in the amount of \_\_\_\_\_.

27 DATED: This \_\_\_\_ day of September, 1976.

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30 UNITED STATES DISTRICT JUDGE

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