

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

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,

Plaintiff,

v.

AMERICAN ACTION NETWORK,

Defendant.

Civil Action No. 18-cv-945 (CRC)

NOTICE OF DISMISSAL OF AMERICAN ACTION NETWORK'S APPEAL

Pursuant to this Court's July 27, 2018 Order staying this action pending the D.C. Circuit's resolution of American Action Network's ("AAN") Motion for Summary Reversal and Vacatur in *Citizens for Responsibility & Ethics in Washington v. FEC*, No. 18-5136 (D.C. Cir. June 25, 2018); plaintiff Citizens for Responsibility and Ethics in Washington hereby notifies this Court that, on September 19, 2018, the D.C. Circuit dismissed AAN's appeal and dismissed AAN's motion for summary reversal as moot. *See Order, Citizens for Responsibility and Ethics in Washington v. FEC*, No. 18-5136 (D.C. Cir. Sept. 19, 2018) (per curiam) (attached as Exhibit A).

Dated: September 19, 2018

Respectfully submitted,

/s/ Stuart McPhail

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Exhibit A

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5136

September Term, 2018

1:16-cv-02255-CRC

Filed On: September 19, 2018

Citizens for Responsibility and Ethics in
Washington and Melanie T. Sloan,
Appellees

v.

Federal Election Commission,
Appellee

American Action Network, Inc.,
Appellant

BEFORE: Henderson, Millett, and Wilkins, Circuit Judges

ORDER

Upon consideration of the motion to dismiss, the response thereto, and the reply; and the motion for summary reversal, the response thereto, and the reply, it is

ORDERED that the motion to dismiss be granted. The district court orders remanding the action to the Federal Election Commission are not final, appealable orders. See Pueblo of Sandia v. Babbitt, 231 F.3d 878, 880 (D.C. Cir. 2000). While “there is a limited exception permitting a government agency to appeal immediately” from a district court’s remand order, “that path is not normally available to a private party,” N. Carolina Fisheries Ass’n, Inc. v. Gutierrez, 550 F.3d 16, 19-20 (D.C. Cir. 2008), and appellant has not demonstrated that a departure from that general rule is warranted in this case, *cf.* In re Long-Distance Tel. Serv. Fed. Excise Tax Refund Litig., 751 F.3d 629, 633 (D.C. Cir. 2014). Nor has appellant shown that the Federal Election Campaign Act provides an exception to the final judgment rule. See 28 U.S.C. § 1291. It is

FURTHER ORDERED that the motion for summary reversal be dismissed as moot.

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