

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-1430

September Term, 2000

Glenn C. Benfield and Kathleen N. Benfield,

Filed On: September 27, 2000

[546536]

Appellants

v.

Federal Communications Commission,

Appellee

On Appeal From An Order Of The
Federal Communications Commission

Before: HENDERSON, RANDOLPH and GARLAND, *Circuit Judges*.

J U D G M E N T

This appeal from an order of the Federal Communications Commission (FCC) was presented to the Court and briefed by counsel. The Court has accorded the issues full consideration and has determined that they occasion no need for a published opinion. *See* D.C. Cir. Rule 36(b). It is

ORDERED and **ADJUDGED** that this appeal is hereby dismissed for lack of jurisdiction. Appellants assert “listener standing” to challenge the FCC’s failure to investigate their complaint regarding the programming broadcast by a radio station. Prior to the filing of the appeal, the programming to which appellants objected ceased, and the station was sold to unrelated owners who did not broadcast the kind of programming to which appellants objected. Since the appeal was filed, ownership of the station has changed again. The new owners are likewise unrelated to the original owner and do not broadcast the kind of material to which appellants object. Nor do appellants contend that there is any likelihood that they will do so in the future. Accordingly, this court is without jurisdiction to consider the issues raised by appellants. *See Friends of the Earth, Inc. v. Laidlaw Envtl. Servs.*, 120 S. Ct. 693 (2000); *Jaramillo v. FCC*, 162 F.3d 675 (D.C. Cir. 1998).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. *See* D.C. Cir. Rule 41(a)(1).

FOR THE COURT:
Mark J. Langer, Clerk

BY:

Deputy Clerk