

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5310

September Term, 2015

1:14-cv-02018-UNA

Filed On: September 17, 2015

Richard A. Chichakli,

Appellant

v.

Barack Hussein Obama, President of the  
United States of America in his official  
capacity, et al.,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

BEFORE: Rogers, Tatel, and Pillard, Circuit Judges

**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

**ORDERED AND ADJUDGED** that the district court's order filed November 26, 2014, be vacated and the case be remanded for further proceedings consistent with this judgment. The district court correctly determined appellant's claims are barred by res judicata, or claim preclusion, insofar as they challenge the Blocking Notice issued by the Office of Foreign Assets Control (OFAC) on April 22, 2005, and upheld in Chichakli v. Szubin, 546 F.3d 315 (5<sup>th</sup> Cir. 2008). See Capitol Hill Grp. v. Pillsbury, Winthrop, Shaw, Pittman, LLC, 569 F.3d 485, 490 (D.C. Cir. 2009). In dismissing the case in its entirety, however, the district court's opinion did not explicitly address the complaint's additional allegations including, for example, that (1) the application of 2007 regulations implementing Executive Order 13348 violates the Ex Post Facto Clause or has an impermissible retroactive effect, and (2) OFAC has not properly handled appellant's license applications for the release of blocked funds. We remand for the court to consider the full breadth of appellant's claims.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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