

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TOSHIAKI SAITO,

No. 14-71611

Petitioner,

FCC No. EB 07-147

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES
OF AMERICA,

ORDER

Respondents.

Before: O'SCANNLAIN, BERZON, and BYBEE, Circuit Judges.

Respondents' motion to dismiss this petition is granted because petitioner failed to exhaust administrative remedies. *See* 47 U.S.C. § 155(c)(7) ("The filing of an application for review under this subsection shall be a condition precedent to judicial review...."); *Richman Bros. Records, Inc. v. FCC*, 125 F.3d 1302 (D.C. Cir. 1997); *see also Fones4All Corp. v. FCC*, 550 F.3d 811, 818 (9th Cir. 2008), *reh'g denied*, *Fones4All Corp. v. FCC*, 561 F.3d 1031 (9th Cir. 2009).

DISMISSED.