

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 15-1425****September Term, 2015****FCC-14-260****Filed On:** April 18, 2016

James Chelmowski,

Petitioner

v.

Federal Communications Commission and  
United States of America,

Respondents

**BEFORE:** Tatel, Brown, and Pillard, Circuit Judges**ORDER**

Upon consideration of the motion to dismiss, which includes a request to defer the filing of the administrative record, and the response thereto; the motion for production of documents and the response thereto; the motion for a Vaughn index and the response thereto; and the court's order to show cause filed January 28, 2016, and the response thereto, it is

**ORDERED** that the order to show cause be discharged. It is

**FURTHER ORDERED** that the motion to dismiss be granted. The challenged orders of the Chief of the Federal Communications Commission's Enforcement Bureau are not final, reviewable orders. 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 of any order, decision, report, or action taken pursuant to a delegation under paragraph (1) of this subsection."); Richman Brothers Records, Inc. v. FCC, 124 F.3d 1302, 1303 (D.C. Cir. 1997). It is

**FURTHER ORDERED** that the motion for production of documents and the motion for a Vaughn index be denied. Jurisdiction to review an agency's final administrative decision regarding a FOIA request lies in the district court in the first instance. See 5 U.S.C. § 552(a)(4)(B) (stating that "on complaint," the district court has jurisdiction over FOIA matters). It is

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**FURTHER ORDERED** that the request to defer the filing of the administrative record 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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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**