

SERVED: May 13, 2008

NTSB Order No. EA-5386

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 12th day of May, 2008

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ROBERT A. STURGELL,)	
Acting Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-18094
v.)	
)	
MICHAEL C. GORMAN,)	
)	
Respondent.)	
)	
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ORDER DISMISSING PETITION

Respondent has submitted a petition for rehearing, and the Administrator has submitted his response.¹

Respondent filed a petition for review of his case in the United States Court of Appeals for the District of Columbia Circuit on December 31, 2007, and that court has so notified the Board²; therefore, the Board no longer has jurisdiction and the

¹ NTSB Order No. EA-5334, served November 1, 2007, affirmed the law judge's decision affirming the Administrator's emergency order revoking respondent's commercial pilot certificate for alleged violations of certain provisions of the Federal Aviation Regulations.

² See 49 U.S.C. § 1153(3): "When the petition is sent to the Board, the court has exclusive jurisdiction...."

petition is subject to dismissal.³

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for rehearing is dismissed.

ROSENKER, Chairman, SUMWALT, Vice Chairman, and HERSMAN, HIGGINS, and CHEALANDER, Members of the Board, concurred in the above order.

³ Were this not the case, we note that respondent's petition would have been untimely, and therefore subject to dismissal.