

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 18-5136****September Term, 2018****1:16-cv-02255-CRC****Filed On:** September 19, 2018

Citizens for Responsibility and Ethics in  
Washington and Melanie T. Sloan,  
Appellees

v.

Federal Election Commission,  
Appellee

American Action Network, Inc.,  
Appellant

**BEFORE:** Henderson, Millett, and Wilkins, Circuit Judges**ORDER**

Upon consideration of the motion to dismiss, the response thereto, and the reply; and the motion for summary reversal, the response thereto, and the reply, it is

**ORDERED** that the motion to dismiss be granted. The district court orders remanding the action to the Federal Election Commission are not final, appealable orders. See Pueblo of Sandia v. Babbitt, 231 F.3d 878, 880 (D.C. Cir. 2000). While “there is a limited exception permitting a government agency to appeal immediately” from a district court’s remand order, “that path is not normally available to a private party,” N. Carolina Fisheries Ass’n, Inc. v. Gutierrez, 550 F.3d 16, 19-20 (D.C. Cir. 2008), and appellant has not demonstrated that a departure from that general rule is warranted in this case, *cf.* In re Long-Distance Tel. Serv. Fed. Excise Tax Refund Litig., 751 F.3d 629, 633 (D.C. Cir. 2014). Nor has appellant shown that the Federal Election Campaign Act provides an exception to the final judgment rule. See 28 U.S.C. § 1291. It is

**FURTHER ORDERED** that the motion for summary reversal 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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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**