

28

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 05-1419

September Term, 2005

Filed On:

Ohngo Gaudadeh Devia,
Petitioner

v.

Nuclear Regulatory Commission and United States of
America,
Respondents

Private Fuel Storage, L.L.C. and Skull Valley Band of
Goshute Indians,
Intervenors

Consolidated with 05-1420, 06-1087

06-1037

William D. Peterson,
Petitioner

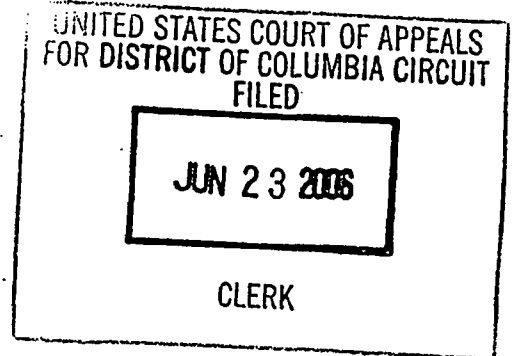
v.

Department of Energy,
Respondent

BEFORE: Rogers, Garland, and Brown, Circuit Judges

ORDER

Upon consideration of the motion to dismiss No. 06-1037 and the opposition thereto; the motions to intervene in Nos. 05-1419 et al., and the oppositions thereto; the motion to exceed word limits in Nos. 05-1419 et al., and the oppositions thereto; the motion to consolidate Nos. 06-1037 and 05-1419 et al., the opposition thereto, and the reply; the lodged petitions in Nos. 05-1419 (styled as an "answer and motion for judgment 3rd petition" and "answers, facts 300-year disposal solution"); the motion for damages filed in No. 06-1037; the motion for "default judgment/admissions by default, payment of losses, unlawful contract damage" filed in No. 06-1037; the "motion to



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expedite ruling" filed in No. 06-1037 and the opposition thereto; and the "motion for NRC license PSFSF" filed in Nos. 05-1419 et al., and No. 06-1037, it is

ORDERED that the motion to dismiss be granted. Original jurisdiction over Federal Tort Claims Act claims for money damages lies exclusively in the district courts. See 28 U.S.C. § 1346(b)(1); Tri-State Hospital Supply Corp. v. United States, 341 F.3d 571, 575 (D.C. Cir. 2003). It is

FURTHER ORDERED that the motions to intervene be denied. Because petitioner in No. 06-1037 was not a party to the relevant agency proceeding, he lacks standing to intervene in Nos. 05-1419 et al. See 28 U.S.C. § 2344; Simmons v. ICC, 716 F.2d 40, 41 (D.C. Cir. 1983). It is

FURTHER ORDERED that the motions to consolidate; the lodged petitions (styled as an "answer and motion for judgment 3rd petition" and "answers, facts 300-year disposal solution"); the motion for damages; the motion for default judgment; the motion to expedite ruling; and the motion for NRC license PSFSF, be dismissed as moot. It is

FURTHER ORDERED that consideration of the motion to exceed page limits be deferred pending further order of the court. It is

FURTHER ORDERED, on the court's own motion, that the parties submit, within 30 days of the date of this order, proposed formats for the briefing of these cases. The parties are strongly urged to submit a joint proposal and are reminded that the court looks with extreme disfavor on repetitious submissions and will, where appropriate, require a joint brief of aligned parties with total words not to exceed the standard allotment for a single brief. The parties are directed to provide detailed justifications for any request to file separate briefs or to exceed in the aggregate the standard word allotment. Requests to exceed the standard word allotment must specify the word allotment necessary for each issue.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate in No. 06-1037 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

JWR

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Page 2