

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-1022

September Term, 2003

Filed On: June 7, 2004 [825992]

Margaret F. Snyder,
Appellant

v.

Federal Communications Commission,
Appellee

MCI, Inc.,
Intervenor

BEFORE: Edwards, Randolph, and Rogers, Circuit Judges

ORDER

Upon consideration of the motion for appointment of a special master, the oppositions thereto, and the reply, it is

ORDERED, on the court's own motion, that this appeal be dismissed for lack of standing. Snyder has failed to show that she meets the "irreducible constitutional minimum" requirements for standing: injury in fact, causation, and redressability. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (internal quotations omitted). Snyder has not established that she remains a shareholder of MCI, Inc., formerly WorldCom, Inc., and thus that she has suffered a "concrete" and "particularized" injury from the FCC's approval of WorldCom's license transfer applications. Id. To have standing to challenge an alleged procedural violation a party must demonstrate that "the government act performed without the procedure in question will cause a distinct risk to a particularized interest of the plaintiff." Fund Democracy, LLC v. SEC, 278 F.3d 21, 27 (D.C. Cir. 2002). In the absence of a showing that she is currently a shareholder, Snyder has failed to demonstrate that the FCC's approval of WorldCom's license applications, even in the face of the alleged violation of the FCC's ex parte rules or the FCC's failure to conduct a hearing, has caused her any particularized injury. Finally, although the court has allowed interested parties to intervene where the party expected to press the public interest does not appeal, intervenors themselves are required to have standing. See Fund for the Animals, Inc. v. Norton, 322 F.3d 728, 731-32 (D.C. Cir. 2003). It is

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-1022

September Term, 2003

FURTHER ORDERED that the motion for appointment of a special master 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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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