

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-1023

September Term 2008

SEC-Rel34-59141

Filed On: May 7, 2009

Salvatore F. Sodano,

Petitioner

v.

Securities and Exchange Commission,

Respondent

<b>MANDATE</b>	
<small>Pursuant to the provisions of Fed. R. App. Pro. 41(e)</small>	
ISSUED:	6/25/09
BY:	<i>[Signature]</i> <small>Deputy Clerk</small>
ATTACHED:	<input type="checkbox"/> Amending Order <input type="checkbox"/> Opinion <input type="checkbox"/> Order on Costs

**BEFORE:** Garland, Griffith, and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, the opposition thereto, and the reply, it is

**ORDERED** that the motion to dismiss be granted. The court of appeals has jurisdiction over final orders of the Securities and Exchange Commission ("SEC"). See 15 U.S.C. § 78y(a)(1). As a general matter, agency orders remanding a matter for further administrative proceedings are interlocutory orders, because they do not meet the requirements of finality. See Meredith v. Federal Mine Safety and Health Review Commission, 177 F.3d 1042, 1047 (D.C. Cir. 1999). The SEC's remand order here does not fall within the exception to the final judgment rule under Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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**