

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-1217

September Term 2008

STB-34997

Filed On: March 31, 2009

Board of Commissioners of Allegany County,
Maryland,

Petitioner

v.

Surface Transportation Board and United
States of America,

Respondents

ON PETITION FOR REVIEW OF AN ORDER OF THE SURFACE TRANSPORTATION BOARD

BEFORE: Tatel, Brown, and Griffith, Circuit Judges

J U D G M E N T

This petition for review of an order of the Surface Transportation Board was considered on the briefs and the appendix filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the petition for review be dismissed for lack of standing. Petitioner challenges the Board's assumption that James Riffin is a rail carrier, but petitioner's asserted injuries, which focus largely on anticipated future litigation, are insufficient to confer standing. See, e.g., Lujan v. Defenders of Wildlife, 502 U.S. 555, 560-62 (1992); Platte River Whooping Crane Critical Habitat Maintenance Trust v. FERC, 962 F.2d 27, 35 (D.C. Cir. 1992).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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