

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1161

September Term, 2013

EDUC-4/22/13 Letter

Filed On: October 15, 2013

Eric Flores,

Petitioner

v.

United States Department of Education and
United States Department of Justice,

Respondents

BEFORE: Henderson, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion for leave to proceed on appeal in forma pauperis; the motion to dismiss and the response thereto; and the order to show cause, filed July 19, 2013, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the motion for leave to proceed on appeal in forma pauperis be granted. It is

FURTHER ORDERED that the motion to dismiss be granted. Petitioner has not met his burden of demonstrating that this court has subject matter jurisdiction over his petition for review. See *Georgiades v. Martin-Trigona*, 729 F.2d 831, 833 n.4 (D.C. Cir. 1984); see also *Nat'l Auto. Dealers Assn v. FTC*, 670 F.3d 268, 305 (D.C. Cir. 2012) (citations omitted) ("normal default rule" in this circuit is that a challenge to agency action proceeds first to district court, unless the governing statute specifically confers jurisdiction to review directly agency action).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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