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Hon. Molly C. Dwyer
Clerk of the Court
U.S. Court of Appeals for the Ninth Circuit
The James R. Browning Courthouse
95 7th Street
San Francisco, CA 94103

RE: *Kariye v. Sessions*, No. 17-35634

Dear Ms. Dwyer:

This letter is submitted pursuant to Fed. R. App. P. 28(j) in response to Appellants' letter filed September 28, 2018.

This Court's recent decision in *Fikre v. FBI*, --- F.3d ----, 2018 WL 4495552 (Sept. 20, 2018), has no relevance for the issues presented in this appeal. *Fikre* addressed Article III jurisdiction and whether plaintiff's claims in that case were moot. Neither Article III jurisdiction nor mootness is raised in the present appeal, and neither formed the basis of the district court's final judgment in the present case.

One of the issues raised in the present appeal concerns statutory subject matter jurisdiction under 49 U.S.C. § 46110, but *Fikre* did not involve any question of statutory subject matter jurisdiction and did not mention Section 46110. Nor did *Fikre* discuss what agency (TSA or TSC) has final authority to remove a person from the No Fly List following a request for redress under the current DHS TRIP procedures, and thus sheds no light on the statutory subject matter jurisdiction question at issue in this appeal.

Respectfully,

s/ Joshua Waldman

Joshua Waldman
Counsel for Appellees

cc: Hina Shamsi (via CM/ECF)