

United States Court of Appeals, District of Columbia
Circuit.

Chris CONANAN, et al., Appellees
Jerry SUSSMAN and Nicholas J. Burgess, Appellants

v.

Donna TANOUE, Chairperson, Federal Deposit
Insurance Corporation, Appellee

No. 01-5174.

Oct. 16, 2001.

Rehearing En Banc Denied Jan. 22, 2002.

BEFORE: EDWARDS and ROGERS, Circuit Judges; and
WILLIAMS, Senior Circuit Judge.

ORDER

PER CURIAM.

*1 Upon consideration of the motion for summary affirmance, the response and supplements thereto, and the reply; and the motion for sanctions, the response thereto, and the reply, it is

ORDERED that the motion for summary affirmance be granted in part. The district court's order denying appellants' motion to intervene as of right is affirmed substantially for the reasons stated by the district court in the hearing on May 16, 2001. In so ruling, the district court noted that denial of the motion to intervene would not preclude the would-be intervenors from being heard at the fairness hearing on the proposed consent decree. The merits of the parties' positions are so clear as to warrant summary action. *See Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C.Cir.1987) (per curiam); *Walker v. Washington*, 627 F.2d 541, 545 (D.C.Cir.) (per curiam), *cert. denied*, 449 U.S. 994 (1980). It is

FURTHER ORDERED, on the court's own motion, that the remainder of the appeal be dismissed. Because the district court correctly denied intervention, appellants are not parties to the action and lack standing to appeal from the order denying their motion to dismiss. *See Alternative Research and Dev. Found. v. Veneman*, 262 F.3d 406, 411 (D.C.Cir.2001). It is

FURTHER ORDERED that the motion for sanctions be denied.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R.App. P. 41(b); D.C.Cir. Rule 41.