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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE


AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON,)	No. C09-0642RSL
v.)	ORDER GRANTING SECOND MOTION FOR RECONSIDERATION
U.S. DEPARTMENT OF JUSTICE,)	
Defendant.)	
)	

On May 19, 2011, the Court found that it has jurisdiction to evaluate the merits of the Transportation Security Administration’s designation of information as “sensitive security information.” Dkt. # 61 at 5 n.3. Defendant filed a second motion for reconsideration (Dkt. # 63) in which it argues that “while this Court has authority to determine whether 49 U.S.C. § 114(f) is an Exemption 3 statute and whether TSA has in fact designated the withheld materials as SSI under § 114(r),” jurisdiction to review the validity of TSA’s designation of the information as SSI lies solely in the Circuit Courts of Appeal pursuant to 49 U.S.C. § 46110. Defendant requests that the Court amend its previous order to delete the jurisdictional analysis in its entirety.

Having reviewed the memoranda submitted by the parties, defendant’s second motion for reconsideration is GRANTED. The Court’s May 19, 2011, “Order Granting in Part Defendant’s Motion for Reconsideration” (Dkt. # 61) is hereby amended to delete footnote 3.

ORDER GRANTING SECOND
MOTION FOR RECONSIDERATION

1 Dated this 20th day of June, 2011.

2 
3 Robert S. Lasnik
4 United States District Judge

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