

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-1095

September Term, 2016

TRAN-81FR91860

Filed On: June 27, 2017

American Gas Association,

Petitioner

v.

United States Department of Transportation  
Pipeline and Hazardous Materials Safety  
Administration, et al.,

Respondents

-----  
Consolidated with 17-1096

**BEFORE:** Brown and Wilkins, Circuit Judges, and Ginsburg,  
Senior Circuit Judge

**ORDER**

Upon consideration of the motion to dismiss, the response thereto, and the reply, it is

**ORDERED** that the motion to dismiss be granted. A party may not simultaneously seek agency reconsideration and judicial review of the same agency order. See Bellsouth Corp. v. FCC, 17 F.3d 1487, 1489-90 (D.C. Cir. 1994); Tennessee Gas Pipeline Co. v. FERC, 9 F.3d 980, 980 (D.C. Cir. 1993). A petition for review filed while a request for agency reconsideration is pending is "incurably premature, and in effect a nullity." Gorman v. NTSB, 558 F.3d 580, 586 (D.C. Cir. 2009) (internal quotation marks omitted). Petitioner American Gas Association has failed to demonstrate that the doctrine of incurable prematurity does not apply here.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Robert J. Cavello  
Deputy Clerk