

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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| RODNEY F. STICH, |) No. 81-4272 |
| |) D.C. # CV 80-4526-SAW |
| Plaintiff-Appellant, |) |
| |) MEMORANDUM |
| v. |) |
| |) FILED |
| NATIONAL TRANSPORTATION SAFETY BOARD, |) MAY 27 1982 |
| UNITED STATES GOVERNMENT, |) |
| |) |
| Defendants-Appellees. |) |
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Appeal from the United States District Court
for the Northern District of California
Stanley A. Weigel, District Judge, Presiding
Submitted April 27, 1982

Before: BROWNING, SNEED, and SCHROEDER, Circuit Judges.

Appellant Rodney Stich is a former air safety investigator for the Federal Aviation Administration with a continuing interest in air safety. In 1978 a PSA jet crashed in San Diego, California. The NTSB conducted the accident investigation and publicly reported its findings. Stich filed a motion to reopen the investigation, which motion was denied. Stich then filed an action for mandamus in the district court which was dismissed for lack of jurisdiction.

Stich appeals the dismissal of his petition for a writ of mandamus by the district court. He argues that the district court had jurisdiction and that he had standing to sue. Although appellant's concern for the safety of future airline passengers is commendable, in view of the recent decision of the United States Supreme Court in *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 102 S. Ct. 752 (1982), the judgment must be affirmed.

The panel finds this case appropriate for submission without argument pursuant to 28 U.S.C.A. 9th Cir. R. 3(a) and Fed. R. App.P. 34(a).

Article III of the United States Constitution limits federal court jurisdiction to “cases or controversies.” Consistent with this limitation, litigants may not make claims for relief in federal court without showing an actual or threatened personal injury. “[A]t an irreducible minimum, Art. III requires the party who invokes the court's authority to 'show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant” *Valley Forge, supra*, 102 S. Ct. at 758, quoting *Gladstone, Realtors v. Village of Bellwood*. 441 U.S. 91, 99, 99 S. Ct. 1601, 1608 (1979). Even absent an article III bar, this court should refrain from adjudicating disputes based on generalized grievances shared by all citizens. *Warth v. Seldin*. 422 U.S. 490, 499-500, 95 S. Ct. 2197, 2205-06 (1975).

Stich's concern, the risk of future airline crashes, is real enough. That concern does not, however, rise to the level of an actual or threatened injury. The risk is shared by Americans generally. Absent an injury which threatens Stich in a way which distinguishes him from the populace as a whole, federal court action is barred.

Affirmed.