

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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3 RODNEY F. STICH,
4 Plaintiff-Appellant,
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6 v.
7 NATIONAL TRANSPORTATION SAFETY BOARD,
8 UNITED STATES GOVERNMENT,
9 Defendants-Appellees.

) No. 81-4272
) D.C.# CV 80-4526-SAW

) MEMORANDUM

FILED

MAY 27 1982

PHILLIP B. WINBERRY
CLERK, U.S. COURT OF APPEALS

10 Appeal from the United States District Court
11 for the Northern District of California
12 Stanley A. Weigel, District Judge, Presiding
13 Submitted April 27, 1982*

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

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

24 Stich appeals the dismissal of his petition for a
25 writ of mandamus by the district court. He argues that the
26 district court had jurisdiction and that he had standing to
27 sue. Although appellant's concern for the safety of future
28 airline passengers is commendable, in view of the recent
29 decision of the United States Supreme Court in Valley Forge
30 Christian College v. Americans United for Separation of

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

Church and State, Inc., 102 S. Ct. 752 (1982), the judgment must be affirmed.

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3 Article III of the United States Constitution
4 limits federal court jurisdiction to "cases or
5 controversies." Consistent with this limitation, litigants
6 may not make claims for relief in federal court without
7 showing an actual or threatened personal injury. "[A]t an
8 irreducible minimum, Art. III requires the party who invokes
9 the court's authority to 'show that he personally has
10 suffered some actual or threatened injury as a result of the
11 putatively illegal conduct of the defendant'"

12 Valley Forge, supra, 102 S. Ct. at 758, quoting Gladstone,
13 Realtors v. Village of Bellwood, 441 U.S. 91, 99, 99 S. Ct.
14 1601, 1608 (1979). Even absent an article III bar, this
15 court should refrain from adjudicating disputes based on
16 generalized grievances shared by all citizens. Warth v.
17 Seldin, 422 U.S. 490, 499-500, 95 S. Ct. 2197, 2205-06
18 (1975).

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

25 Affirmed.
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