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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID G. RIGGS,

Petitioner,

v.

J. RANDOLPH BABBIT,* Administrator,
Federal Aviation Administration,

Respondent.

No. 09-71516

MEMORANDUM**

On Petition for Review of an Order of the
National Transportation Safety Board, NTSB No. EA-5436

Submitted May 25, 2010***

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

* J. Randolph Babbit is substituted for his predecessor, Lynne A. Osmus, as Administrator of the Federal Aviation Administration, pursuant to Fed. R. App. P. 43(c)(2).

** This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

*** The panel unanimously concludes this case is suitable for decision without oral argument, and therefore denies Riggs's request. *See* Fed. R. App. P. 34(a)(2).

David G. Riggs petitions pro se for review of a final order of the National Transportation Safety Board (“NTSB”) revoking his pilot certificate. We have jurisdiction under 49 U.S.C § 1153(a). We must uphold the NTSB’s decision unless it is arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with the law. *Kolek v. Engen*, 869 F.2d 1281, 1285 (9th Cir. 1989). We deny the petition for review.

The NTSB did not abuse its discretion when it determined that the severity of Riggs’s violations warranted revocation of his pilot’s certificate. *See id* at 1285-86 (finding no abuse of discretion in the NTSB’s revocation of a pilot’s certificate where that pilot’s infractions were more severe than others who had received suspensions); *see also Administrator v. Oliveira and Morais*, NTSB Order No. EA-4995 (Sept. 17, 2002).

Riggs’s remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.