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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID GARY GLADDEN,

Petitioner,

v.

U.S. DEPARTMENT OF  
TRANSPORTATION; et al.,

Respondents.

No. 13-74171

MEMORANDUM\*

On Petition for Review of an Order of the  
Federal Aviation Administration

Submitted April 13, 2016\*\*

Before: FARRIS, TALLMAN, and BYBEE, Circuit Judges.

David Gary Gladden petitions pro se for review of an order of the Federal Aviation Administration (“FAA”) withdrawing his Authorization for Special Issuance of a second-class airman medical certificate. We have jurisdiction under 49 U.S.C. § 46110(a) to review a petition of a FAA order filed no later than 60

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\* 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. *See* Fed. R. App. P. 34(a)(2).

days after issuance of the order. We dismiss Gladden's petition as untimely. Gladden filed this petition for review on December 2, 2013, more than 60 days after issuance of the FAA's March 13, 2013 order. Although the court may allow a late petition if there are reasonable grounds for not filing within 60 days, *see* 49 U.S.C. § 46110(a), Gladden has not presented any reasonable explanation for his untimely petition, *see Americopters, LLC v. Fed. Aviation Admin.*, 441 F.3d 726, 734 (9th Cir. 2006) (explaining circumstances that do not constitute reasonable grounds, including "when the petitioner's procedural missteps were based on a misapprehension of the law" (internal citations omitted)); *Sierra Club v. Skinner*, 885 F.2d 591, 593 (9th Cir. 1989) (concluding that there were no reasonable grounds even when "the FAA ha[d] created a confusing situation" leading the petitioner to file an untimely petition).

To the extent Gladden seeks review of other FAA decisions, including the FAA's denial of an unrestricted medical certificate, we lack jurisdiction to review those issues because Gladden has not exhausted his administrative remedies. *See* 49 U.S.C. § 44703(d)(1) (2012) ("An individual whose application for the issuance or renewal of an airman certificate has been denied may appeal the denial to the National Transportation Safety Board.").

Respondents' unopposed motion for judicial notice, filed on March 28,

2014, is granted.

**Gladden's petition is DISMISSED.**