

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**MAR - 5 2009**

**NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT**

Shaaban Shaaban Hafed, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 U.S. State Department *et al.*, )  
 )  
 Defendants. )

Civil Action No.

**09 0418**

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant plaintiff's application and dismiss the complaint for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3) (requiring dismissal of a complaint "at any time" the court determines that it lacks subject matter jurisdiction).

Plaintiff is a prisoner at the United States Penitentiary in Florence, Colorado. He challenges as a First Amendment violation the State Department's listing of the Lebanese television station al-Manar as a terrorist organization. Judicial review of a foreign terrorist designation is available to "the designated organization . . . in the United States Court of Appeals for the District of Columbia Circuit." 8 U.S.C. § 1189(c)(1). Not only does the plaintiff, as an alleged viewer of the station's programs, lack legal standing to bring this action, but he also has brought it in the wrong court. The complaint therefore is dismissed. A separate Order accompanies this Memorandum Opinion.

Date: February 12, 2009

*E/len S. Merck*  
United States District Judge

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