

22-1178 FBI V. FIKRE

DECISION BELOW: 35 F.4th 762

LOWER COURT CASE NUMBER: 20-35904

QUESTION PRESENTED:

Individuals are sometimes removed from the No Fly List during ongoing litigation about their placement on that list. The Fourth and Sixth Circuits have held that an individual's removal from the No Fly List moots a case when the government represents that the individual will not be placed back on the list based on currently available information. In conflict with those decisions, the Ninth Circuit held in this case that respondent's claims were not moot even though he was removed from the No Fly List in 2016 and the government provided a sworn declaration stating that he "will not be placed on the No Fly List in the future based on the currently available information."

The question presented is whether respondent's claims challenging his placement on the No Fly List are moot.

CERT. GRANTED 9/29/2023