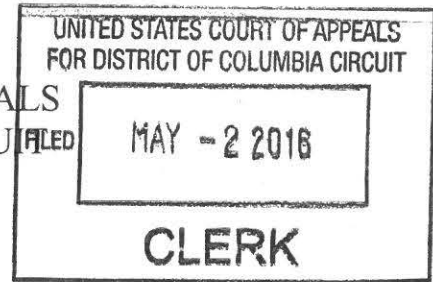


MAY - 2 2016 IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT



RECEIVED

COMPETITIVE ENTERPRISE INSTITUTE,)
THE RUTHERFORD INSTITUTE,)
IAIN MURRAY, and MARC SCRIBNER,)

Petitioners,)

v.)

UNITED STATES DEPARTMENT)
OF HOMELAND SECURITY,)
TRANSPORTATION SECURITY)
ADMINISTRATION, and JEH JOHNSON,)
in his official capacity as Secretary of the)
U.S. Department of Homeland Security,)

Respondents.)

Case No. 16-1135

PETITION FOR REVIEW


Pursuant to 49 U.S.C. § 46110, 6 U.S.C. § 203(2), 5 U.S.C. § 702, Rule 15 of the Federal Rules of Appellate Procedure, and D.C. Circuit Rule 15, the Competitive Enterprise Institute, The Rutherford Institute, Iain Murray, and Marc Scribner hereby petition this Court for review of the final rule of the United States Department of Homeland Security’s Transportation Security Administration entitled *Passenger Screening Using Advanced Imaging Technology*, published at 81 Fed. Reg. 11,363 (March 3, 2016).

This petition is timely pursuant to 49 U.S.C. § 46110(a), as it is filed within sixty days of the rule's publication. Venue is proper in this Court pursuant to 49 U.S.C. § 46110(a).

Petitioners respectfully request that this Court declare that the respondents acted arbitrarily, capriciously, and contrary to law in promulgating this rule, and that this Court enjoin and set it aside and provide such additional relief as may be appropriate.

Dated: May 2, 2016

Respectfully submitted,



Hans Bader
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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure Rule 26.1 and Circuit Rule 26.1, Petitioners make the following disclosures: Competitive Enterprise Institute is a non-profit 501(c)(3) corporation organized under the laws of the District of Columbia for the purpose of defending free enterprise, limited government, and the rule of law. It has no parent companies. No publicly-held corporation has a 10% or greater ownership interest in it.

The Rutherford Institute is an international nonprofit civil liberties organization headquartered in Charlottesville, Virginia. It is a Virginia corporation

with no parent corporation. Founded in 1982, it provides pro bono legal representation to individuals whose civil liberties are threatened and educates the public about constitutional and human rights issues. It has no parent companies. No publicly held company has a 10 percent or greater ownership interest in The Rutherford Institute.

Dated: May 2, 2016

Respectfully submitted,



Hans Bader

Sam Kazman

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that on May 2, 2016, I served a copy of the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement by U.S. Mail, postage prepaid on the following:

Jeh Johnson
Secretary of Homeland Security
Washington, DC 20528

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