

No. _____

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ROBERT LEVINE,

Petitioner,

v.

FEDERAL AVIATION ADMINISTRATION,

Respondent.

On Petition for Judicial Review Pursuant to 49 U.S.C. § 46110(a)

**PETITION FOR REVIEW OF AN ORDER OF THE FEDERAL
AVIATION ADMINISTRATION**

Grayson Clary
Counsel of Record
Adam A. Marshall
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Pursuant to 49 U.S.C. § 46110(a), Federal Rule of Appellate Procedure 15(a), and Circuit Rule 15, Petitioner Robert Levine (“Petitioner”) hereby respectfully petitions this Court for review of the Federal Aviation Administration’s January 16, 2026 Temporary Flight Restriction (“TFR”) noticed by Notice to Airmen No. 6/4375 (the “Notice”). *See* Addendum 1a.

The FAA issued the Notice on January 16, imposing sweeping flight restrictions that prohibit all unmanned aircraft from operating within 3,000 lateral feet and 1,000 vertical feet of, *inter alia*, “Department of Homeland Security (DHS) facilities and mobile assets, including vessels and ground vehicle convoys.” *Id.* According to the Notice, violations of the TFR expose a drone operator to civil or criminal penalties (or the destruction of their drone). *See id.* But because there is no means of verifying in advance whether DHS vehicles—such as unmarked cars driven by Immigration and Customs Enforcement agents—are operating in a given location, the practical consequence is that drone pilots nationwide cannot know whether a flight will expose them to liability. That includes photojournalists like Petitioner, who uses drones to gather news and exercise his First Amendment right to

photograph or film matters of public concern. The predictable result has been to burden and discourage all drone flights, along with a grave chilling effect on the use of drones for newsgathering in particular.

Petitioner therefore petitions this Court for review pursuant to 49 U.S.C. § 46110(a). Among other legal defects, the TFR is arbitrary and capricious; in excess of statutory authority; void for vagueness in violation of the Due Process Clause; and in violation of the First Amendment as applied to the use of drones for newsgathering.

This Petition is timely because it was filed within 60 days of the publication of the TFR. *See* 49 U.S.C. § 46110(a). Petitioner has a substantial interest in the TFR, *see id.*, because Petitioner—who flies drones to gather news, including in settings where DHS mobile assets may be present—faces a credible threat of enforcement and has suffered an objectively reasonable chilling effect on his First Amendment rights.

Petitioner therefore respectfully prays that this Court grant the Petition for Review and vacate the TFR.

Date: March 16, 2026

Respectfully submitted,

/s/ Grayson Clary
Grayson Clary
Counsel of Record
Adam A. Marshall

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2026, I electronically filed the foregoing Petition for Review with the U.S. Court of Appeals for the District of Columbia Circuit using the CM/ECF system. Pursuant to 49 U.S.C. § 46110(b), “the clerk of the court immediately shall send a copy of the petition to the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate.” In addition, I caused a copy of the foregoing Petition for Review to be served by certified mail on the following:

Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

U.S. Attorney General
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Civil Process Clerk
U.S. Attorney’s Office for the District of Columbia
601 D Street, NW
Washington, D.C. 20530

Date: March 16, 2026

/s/ Grayson Clary
Grayson Clary
Counsel of Record
for Petitioner

ADDENDUM

NOTAM: 6/4375



SECURITY ADVISORY FOR UNMANNED AIRCRAFT SYSTEM (UAS) OPERATIONS IN PROXIMITY TO SELECT LOCATIONS AND MOBILE ASSETS NATIONWIDE. THIS NOTAM REPLACES NOTAM FDC 5/6378. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS (SSI), ALL UNMANNED ACFT ARE PROHIBITED FROM FLYING WITHIN A STAND-OFF DISTANCE OF 3000FT LATERALLY AND 1000FT ABOVE UNLESS INDICATED BY THE FAA BY NOTAM OR OTHER MEANS. TO: DEPARTMENT OF DEFENSE (DOD), DEPARTMENT OF ENERGY (DOE), AND DEPARTMENT OF HOMELAND SECURITY (DHS) FACILITIES AND MOBILE ASSETS, INCLUDING VESSELS AND GROUND VEHICLE CONVOYS AND THEIR ASSOCIATED ESCORTS, SUCH AS UNITED STATES COAST GUARD (USCG) OPERATED VESSELS. PURSUANT TO 49 U.S.C. SECTION 40103(B)(3), THE FAA CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AND IN FURTHER DETAIL BY THE FAA WEBSITE IDENTIFIED BELOW AS 'NATIONAL DEFENSE AIRSPACE'. UAS OPERATORS WHO DO NOT COMPLY WITH THE FOLLOWING PROCEDURES MAY FACE THE FOLLOWING ENFORCEMENT ACTIONS: THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER 49 USC SECTION 2601161905-2710291430 END PART 1 OF 4 FDC 6/4375 FDC PART 2 OF 4 SECURITY NOTICE...NATIONAL SECURITY ADVISORY FOR 46307; AND THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND REVOKING FAA CERTIFICATES OR AUTH TO OPERATE UNDER TITLE 49 USC SECTIONS 44709 AND 46301. IN ADDITION, UAS OPERATORS WHO ARE DEEMED TO POSE A CREDIBLE SAFETY OR SECURITY THREAT TO PROTECTED PERSONNEL, FAC, OR ASSETS MAY BE MITIGATED PURSUANT TO 10 U.S.C. SECTION 130I, 6 U.S.C. SECTION 124N, AND 50 U.S.C. SECTION 2661. OR OTHER APPLICABLE LEGAL AUTHORITY. MITIGATION MAY RESULT IN THE INTERFERENCE, INTERCEPTION, SEIZURE, DAMAGING, OR DESTRUCTION OF UNMANNED AIRCRAFT DEEMED TO POSE A CREDIBLE SAFETY OR SECURITY THREAT TO PROTECTED PERSONNEL, FACILITIES, OR ASSETS. THE FAA RECOMMENDS THAT UAS OPERATORS NEEDING TO OPERATE IN THE INDICATED AIRSPACE FOR OVERRIDING REASONS OF PUBLIC INTEREST OR NECESSITY (SUCH AS IN DIRECT SUPPORT OF AN ACTIVE NATIONAL DEFENSE, HOMELAND SECURITY, LAW ENFORCEMENT, FIREFIGHTING, SEARCH AND RESCUE, OR DISASTER RESPONSE MISSION) COORDINATE IN ADVANCE WITH THE APPROPRIATE DOD, DHS, DOJ, DOE, OR USCG ENTITY, OR BY CONTACTING THE 2601161905-2710291430 END PART 2 OF 4 FDC 6/4375 FDC PART 3 OF 4 SECURITY NOTICE...NATIONAL SECURITY ADVISORY FOR FAA. DOD, DHS, DOJ, DOE, AND USCG POINTS OF CONTACT FOR SPECIFIC COVERED FACILITIES AND MOBILE ASSETS MAY BE AVAILABLE ON THE FOLLOWING FAA WEBSITE: [HTTPS://UDDS-FAA.OPENDATA.ARCGIS.COM](https://UDDS-FAA.OPENDATA.ARCGIS.COM). OPERATORS UNABLE TO SUCCESSFULLY COORDINATE WITH DOD, DHS, DOJ, DOE, OR USCG POINTS OF CONTACT MAY CONTACT THE FAA SYSTEM OPERATIONS SUPPORT CENTER (SOSC) AT (202) 267-8276 FOR FURTHER ASSISTANCE. THE FAA APPLIES, TO THE MAXIMUM EXTENT PRACTICABLE, SPECIAL SECURITY INSTRUCTIONS (SSI) PURSUANT TO 14 C.F.R. SECTION 99.7 OR OTHER AIRSPACE MEASURES THAT RESTRICT UAS OPERATIONS IN PROXIMITY TO FACILITIES AND MOBILE ASSETS COVERED BY 6 U.S.C. SECTION 124N, 10 U.S.C. SECTION 130I, AND 50 U.S.C. SECTION 2661. HOWEVER, IMPLEMENTING ADVANCED SSI OR OTHER AIRSPACE MEASURES MAY NOT BE FEASIBLE FOR ALL COVERED ASSETS AND MOBILE ASSET OPERATIONS. UAS OPERATORS SHOULD THEREFORE EXERCISE CAUTION WHEN FLYING IN PROXIMITY OF ALL DOD, DHS, DOJ, AND DOE FACILITIES AND MOBILE ASSETS, AND USCG MOBILE ASSETS. IF YOU HAVE GENERAL QUESTIONS REGARDING UAS OPERATIONS, PLEASE REFER 2601161905-2710291430 END PART 3 OF 4 FDC 6/4375 FDC PART 4 OF 4 SECURITY NOTICE...NATIONAL SECURITY ADVISORY FOR TO WWW.FAA.GOV/UAS/CONTACT; OR CONTACT THE FAA VIA EMAIL AT UASHHELP@FAA.GOV OR PHONE AT (844) FLY-MY-UA. IF YOU HAVE QUESTIONS REGARDING UAS-SPECIFIC SSI, PLEASE REFER TO THE FOLLOWING FAA WEBSITE: [HTTPS://UDDS-FAA.OPENDATA.ARCGIS.COM](https://UDDS-FAA.OPENDATA.ARCGIS.COM); OR CONTACT THE FAA SOSC AT (202)267-8276. 2601161905-2710291430 END PART 4 OF 4

Open TFR List

Open TFR Map

Open NOTAM Text

Map Panel

[LAYERS](#) [Legend](#)

[Measure](#)

ARTCC Centers

Airport (5)

Nav aids (5)

Boundaries

Base maps:

VFR Sectional (8)

IFR Low Sectional (8)

IFR High Sectional (8)

World Topo Map

Open Street Map



FDC 6/4375

January 16, 2016

Security

Traditional NOTAM text is given below:

NATIONAL SECURITY ADVISORY FOR UNMANNED AIRCRAFT SYSTEM (UAS) OPERATIONS IN PROXIMITY TO SELECT LOCATIONS AND MOBILE ASSETS NATIONWIDE. THIS NOTAM REPLACES NOTAM FDC 5/6378. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS (SSI), ALL UNMANNED ACFT ARE PROHIBITED FROM FLYING WITHIN A STAND-OFF DISTANCE OF 3000 FT LATERALLY AND 1000 FT ABOVE UNLESS INDICATED BY THE FAA BY NOTAM OR OTHER MEANS. TO: DEPARTMENT OF DEFENSE (DOD), DEPARTMENT OF ENERGY (DOE), AND DEPARTMENT OF HOMELAND SECURITY (DHS) FACILITIES AND MOBILE ASSETS, INCLUDING VESSELS AND GROUND VEHICLE CONVOYS AND THEIR ASSOCIATED ESCORTS, SUCH AS UNITED STATES COAST GUARD (USCG) OPERATED VESSELS. PURSUANT TO 49 U.S.C. SECTION 40103(B)(3), THE FAA CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AND IN FURTHER DETAIL BY THE FAA WEBSITE IDENTIFIED BELOW AS 'NATIONAL DEFENSE AIRSPACE'. UAS OPERATORS WHO DO NOT COMPLY WITH THE FOLLOWING PROCEDURES MAY FACE THE FOLLOWING ENFORCEMENT ACTIONS: THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER 49 USC SECTION 2601161905-2710291430 END PART 1 OF 4 FDC 6/4375 FDC PART 2 OF 4 SECURITY NOTICE...NATIONAL SECURITY ADVISORY FOR 46307; AND THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND REVOKING FAA CERTIFICATES OR AUTH TO OPERATE UNDER TITLE 49 USC SECTIONS 44709 AND 46301. IN ADDITION, UAS OPERATORS WHO ARE DEEMED TO POSE A CREDIBLE SAFETY OR SECURITY THREAT TO PROTECTED PERSONNEL, FAC, OR ASSETS MAY BE MITIGATED PURSUANT TO 10 U.S.C. SECTION 130I, 6 U.S.C. SECTION 124N, AND 50 U.S.C. SECTION 2661. OR OTHER APPLICABLE LEGAL AUTHORITY. MITIGATION MAY RESULT IN THE INTERFERENCE, INTERCEPTION, SEIZURE, DAMAGING, OR DESTRUCTION OF UNMANNED AIRCRAFT DEEMED TO POSE A CREDIBLE SAFETY OR SECURITY THREAT TO PROTECTED PERSONNEL, FACILITIES, OR ASSETS. THE FAA RECOMMENDS THAT UAS OPERATORS NEEDING TO OPERATE IN THE INDICATED AIRSPACE FOR OVERRIDING REASONS OF PUBLIC INTEREST OR NECESSITY (SUCH AS IN DIRECT SUPPORT OF AN ACTIVE NATIONAL DEFENSE, HOMELAND SECURITY, LAW ENFORCEMENT, FIREFIGHTING, SEARCH AND RESCUE, OR DISASTER RESPONSE MISSION) COORDINATE IN ADVANCE WITH THE APPROPRIATE DOD, DHS, DOJ, DOE, OR USCG ENTITY, OR BY CONTACTING THE 2601161905-2710291430 END PART 2 OF 4 FDC 6/4375 FDC PART 3 OF 4 SECURITY NOTICE...NATIONAL SECURITY ADVISORY FOR FAA. DOD, DHS, DOJ, DOE, AND USCG POINTS OF CONTACT FOR SPECIFIC COVERED FACILITIES AND MOBILE ASSETS MAY BE AVAILABLE ON THE FOLLOWING FAA WEBSITE: [HTTPS://UDDS-FAA.OPENDATA.ARCGIS.COM](https://UDDS-FAA.OPENDATA.ARCGIS.COM). OPERATORS UNABLE TO SUCCESSFULLY COORDINATE WITH DOD, DHS, DOJ, DOE, OR USCG POINTS OF CONTACT MAY CONTACT THE FAA SYSTEM OPERATIONS SUPPORT CENTER (SOSC) AT (202) 267-8276 FOR FURTHER ASSISTANCE. THE FAA APPLIES, TO THE MAXIMUM EXTENT PRACTICABLE, SPECIAL SECURITY INSTRUCTIONS (SSI) PURSUANT TO 14 C.F.R. SECTION 99.7 OR OTHER AIRSPACE MEASURES THAT RESTRICT UAS OPERATIONS IN PROXIMITY TO FACILITIES AND MOBILE ASSETS COVERED BY 6 U.S.C. SECTION 124N, 10 U.S.C. SECTION 130I, AND 50 U.S.C. SECTION 2661. HOWEVER, IMPLEMENTING ADVANCED SSI OR OTHER AIRSPACE MEASURES MAY NOT BE FEASIBLE FOR ALL COVERED ASSETS AND MOBILE ASSET OPERATIONS. UAS OPERATORS SHOULD THEREFORE EXERCISE CAUTION WHEN FLYING IN PROXIMITY OF ALL DOD, DHS, DOJ, AND DOE FACILITIES AND MOBILE ASSETS, AND USCG MOBILE ASSETS. IF YOU HAVE GENERAL QUESTIONS REGARDING UAS OPERATIONS, PLEASE REFER 2601161905-2710291430 END PART 3 OF 4 FDC 6/4375 FDC PART 4 OF 4 SECURITY NOTICE...NATIONAL SECURITY ADVISORY FOR TO WWW.FAA.GOV/UAS/CONTACT; OR CONTACT THE FAA VIA EMAIL AT UASHHELP@FAA.GOV OR PHONE AT (844) FLY-MY-UA. IF YOU HAVE QUESTIONS REGARDING UAS-SPECIFIC SSI, PLEASE REFER TO THE FOLLOWING FAA WEBSITE: [HTTPS://UDDS-FAA.OPENDATA.ARCGIS.COM](https://UDDS-FAA.OPENDATA.ARCGIS.COM); OR CONTACT THE FAA SOSC AT (202)267-8276. 2601161905-2710291430 END PART 4 OF 4

Title 14 CFR

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