

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1534

Michael Jacobson,

Petitioner,

v.

Ann Veneman, Secretary, United
States Department of Agriculture,

Respondent.

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Petition for Review of
an Order of the United States
Department of Agriculture.

[UNPUBLISHED]

Submitted: August 30, 2001

Filed: September 4, 2001

Before HANSEN, FAGG, and BEAM, Circuit Judges.

PER CURIAM.

Michael Jacobson petitions this court for review of the United States Department of Agriculture's (USDA's) decision not to hold a referendum on its beef checkoff program. Because we lack jurisdiction to review the USDA's decision, we dismiss the petition without prejudice.

Absent a statutory provision conferring jurisdiction upon the courts of appeals, the district courts have exclusive jurisdiction to review those agency decisions subject to judicial review. See Jaunich v. United States Commodity Futures Trading Comm'n,

50 F.3d 518, 520 (8th Cir. 1995); Noland v. United States Civil Serv. Comm'n, 544 F.2d 333, 334 (8th Cir. 1976) (per curiam). The Beef Promotion and Research Act, 7 U.S.C. §§ 2901-2911, which governs the beef checkoff program, does not include such a grant of jurisdiction.

Accordingly, we dismiss the petition without prejudice.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.