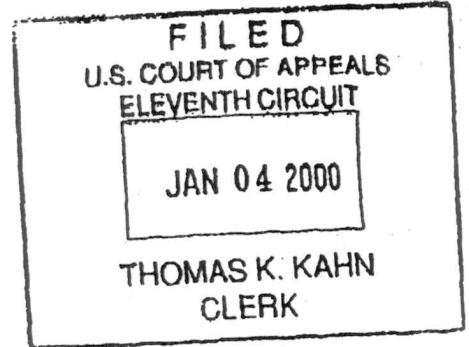


[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 99-4136
Non-Argument Calendar



D.C. Docket No. 98-06585-CIV-UUB

MICHAEL A. NEWDOW, Rev. Dr.,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,
WILLIAM JEFFERSON CLINTON, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Florida

(January 4, 2000)

Before EDMONDSON, CARNES and HULL, Circuit Judges.

App. 7

PER CURIAM:

Michael Newdow, an ordained minister of the Universal Life Church, appeals the district court's Fed.R.Civ.P. 12(b)(6) dismissal of his Free Exercise and Establishment Clause claims concerning the Pledge of Allegiance in Broward County Schools. The district court concluded that he lacked standing to litigate the claims.

On appeal, Newdow argues that he had standing because the defendants' endorsement of religion through the Pledge of Allegiance rendered him an outsider and therefore caused a cognizable injury. He avers that he has standing to represent his child's interests, as she "will be exposed every school day to the governmental endorsement of a religious belief." Newdow contends that he did not need to allege that his child would be attending Broward County schools in the upcoming year because the Federal Rules of Civil Procedure merely require notice pleading. He references his response to the government's motion to dismiss, which was filed about one month after the district court closed the case, in which he specified how his property-tax money was used to endorse the Pledge of Allegiance. Newdow also argues that his atheistic beliefs, as publicized in this case, will hamper his chances of winning an election for public office and require him to forego teaching opportunities to avoid engaging in an offensive religious ritual.

This Court will not consider the following arguments, as they are raised for the first time on appeal, or after the district court entered judgment: that Newdow's status as an outsider conferred standing; and, that his property-tax money was used to endorse the Pledge of Allegiance. See Narey v. Dean, 32 F.3d 1521, 1526-27 (11th Cir. 1994) (stating that this Court generally will not consider issues newly raised, with five exceptions that do not apply here).

Review of a district court's dismissal of an appellant's claims for lack of standing is de novo. See Georgia State Conference of NAACP Branches v. Cox, 183 F.3d 1259, 1262 (11th Cir. 1999).

Upon review of Newdow's amended complaint, the parties' motions to dismiss and all relevant responses thereto, the district court's order, and the briefs of the parties, we find no reversible error. For the reasons concisely stated by the district court, Newdow lacked standing to raise the claims he is attempting to litigate.

AFFIRMED.*

A True Copy, - Signed:
Clerk, U.S. Court of Appeals
Eleventh Circuit
by *Lisa A. Hester*
Deputy Clerk
Atlanta, Georgia

*Appellant's motion to staple a copy of an appendix beside or to his reply brief is DENIED.

United States Court of Appeals

For the Eleventh Circuit

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JUL 16 2002

U.S. ATTORNEY
SOUTHERN DISTRICT OF FLORIDA
FT. PIERCE, FLA 34960

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District Court No. 98-06585-CIV

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JAN 04 2000 THOMAS K. KAHN CLERK
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Deputy Clerk
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Before EDMONDSON, CARNES and HULL, Circuit Judges.

J U D G M E N T

This cause came to be heard on the transcript of the record from the United States District Court for the Southern District of Florida, and was taken under submission by the Court upon the record and briefs on file, pursuant to Eleventh Circuit Rule 34-3;

UPON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby AFFIRMED;

It is FURTHER ORDERED THAT plaintiff-appellant pay to the defendants-appellees, the costs on appeal to be taxed by the Clerk of Court.

Entered: January 4, 2000
For the Court: Thomas K. Kahn, Clerk

By: *Matthew Davidson*
Deputy Clerk

ISSUED AS MANDATE: MAR 01 2000