

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20170323**

**Docket: A-112-16**

**Citation: 2017 FCA 58**

**CORAM: NOËL C.J.  
WEBB J.A.  
WOODS J.A.**

**BETWEEN:**

**JOSE LUIS FIGUEROA**

**Appellant**

**and**

**THE MINISTER OF FOREIGN AFFAIRS  
TRADE AND DEVELOPMENT**

**Respondent**

Heard at Vancouver, British Columbia, on March 23, 2017.  
Judgment delivered from the Bench at Vancouver, British Columbia, on March 23, 2017.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**NOËL C.J.**

Federal Court of Appeal



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Appellant

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**REASONS FOR JUDGMENT OF THE COURT**

(Delivered from the Bench at Vancouver, British Columbia, on March 23, 2017).

**NOËL C.J.**

[1] This is an appeal brought by Jose Luis Figueroa (the appellant) against an order of the Federal Court wherein Fothergill J. (the Motion judge) dismissed his motion for reconsideration brought under Rule 397 of the *Federal Courts Rules*, S.O.R./98-106.

[2] By that motion, the appellant asked the Motion judge to reconsider his earlier decision dismissing an application for *mandamus* whereby the appellant sought to compel the Minister of Foreign Affairs, Trade and Development (the respondent) to process his request for a certification under section 10 of the *Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism*, S.O.R./2001-360.

[3] We are satisfied that the Motion judge made no error in refusing to reconsider his decision under the narrow scope of Rule 397. What the appellant asks us to do is to treat his motion for reconsideration as an appeal from the decision which he sought to have reconsidered. This is something which we cannot do, given that the matter proceeded and was decided pursuant to Rule 397.

[4] The respondent made a request for some \$4,000 in costs, but ultimately left the matter in the Court's discretion.

[5] The appeal will be dismissed with costs which we fix at \$2,500, inclusive of disbursements.

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"Marc Noël"  
Chief Justice

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-112-16

**(APPEAL FROM AN ORDER OF THE HONOURABLE MR. JUSTICE FOTHERGILL  
OF THE FEDERAL COURT, DATED MARCH 31, 2016, NO. T-146-15)**

**STYLE OF CAUSE:** JOSE LUIS FIGUEROA v. THE  
MINISTER OF FOREIGN  
AFFAIRS TRADE AND  
DEVELOPMENT

**PLACE OF HEARING:** VANCOUVER, BRITISH  
COLUMBIA

**DATE OF HEARING:** MARCH 23, 2017

**REASONS FOR JUDGMENT OF THE COURT BY:** NOËL C.J.  
WEBB J.A.  
WOODS J.A.

**DELIVERED FROM THE BENCH BY:** NOËL C.J.

**APPEARANCES:**

Jose Luis Figueroa FOR THE APPELLANT

Cheryl D. Mitchell FOR THE RESPONDENT  
Brett Nash

**SOLICITORS OF RECORD:**

Self-represented FOR THE APPELLANT

William F. Pentney FOR THE RESPONDENT  
Deputy Attorney General of Canada