

August 15, 2011

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

STATE OF WYOMING,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

SIERRA CLUB; NATURAL
RESOURCES DEFENSE COUNCIL;
ENVIRONMENTAL DEFENSE FUND;
CONSERVATION LAW
FOUNDATION; WYOMING MINING
ASSOCIATION,

Intervenors.

NATIONAL MINING ASSOCIATION,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

Nos. 11-9504, 11-9505 & 11-9506
(EPA-HQ-OAR-2010-0107)

No. 11-9508
(EPA-HQ-OAR-2010-0107)

SIERRA CLUB; NATURAL
RESOURCES DEFENSE COUNCIL;
ENVIRONMENTAL DEFENSE FUND;
CONSERVATION LAW
FOUNDATION,

Intervenors.

UTILITY AIR REGULATORY GROUP,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent,

SIERRA CLUB; NATURAL
RESOURCES DEFENSE COUNCIL;
ENVIRONMENTAL DEFENSE FUND;
CONSERVATION LAW
FOUNDATION,

Intervenors.

Nos. 11-9505, 11-9516 & 11-9517
(EPA-HQ-OAR-2010-0107)

ORDER

Before **KELLY, MURPHY**, and **GORSUCH** , Circuit Judges.

These matters are before the court on the EPA's renewed motion to dismiss or transfer, to reconsider referral of the jurisdictional issues presented to the merits panel, and to stay briefing on the merits. The EPA also requests an extension of time, as well as an increase in the word count, in the event briefing proceeds in this court. We also have responses to the motion, as well as a reply from the EPA.

In short, we have determined transfer to the District of Columbia Circuit is warranted. To that extent, the EPA's motion is granted. Accordingly, we vacate our order dated April 18, 2011. The clerk is directed to transfer all of these matters to the D.C. Circuit, and in that regard is directed to transfer all relevant materials and information. In light of this disposition, all other requested relief is denied as unnecessary, including the pending motion to extend the respondent's briefing deadline to September 7, 2011. A copy of this order shall stand as the mandate of this court.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish line.

ELISABETH A. SHUMAKER
Clerk of Court