

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING**

**MURRAY ENERGY CORPORATION, et al.,**

Plaintiffs,

v.

**CIVIL ACTION NO. 5:14-CV-39  
(BAILEY)**

**SCOTT PRUITT, Administrator,  
United States Environmental Protection Agency,  
acting in his official capacity,**

Defendant.

**ORDER OF DISMISSAL**

On October 17, 2016, this Court entered its Memorandum Opinion and Order Denying the United States' New Motion for Summary Judgment and Granting Summary Judgment in Favor of the Plaintiffs [Doc. 293]. In said Order, this Court ordered the EPA to file a "plan and schedule for compliance with § 321(a) [of the Clean Air Act] both generally and in the specific area of the effects of its regulation on the coal industry" [Id. at 64].

Subsequently, having found the EPA's response to this Order insufficient, this Court entered its Final Order [Doc. 314] on January 11, 2017, wherein the EPA was ordered to conduct further evaluation and submit further findings. Additionally, on January 17, 2017, this Court entered its Order Denying Motion to Intervene and Administratively Closing Case [Doc. 315], wherein the Court ordered the Clerk to close this civil action and noted that the Court "shall retain jurisdiction over the parties hereto only for the purpose of supervising the implementation and enforcement of this Court's January 11, 2017, Final Order [Doc.

314]" [Id. at 2].

Subsequently, on June 29, 2017, the United States Court of Appeals for the Fourth Circuit vacated this Court's judgments, insofar as they impact the EPA, and remanded this matter with instructions to dismiss plaintiffs' suit for want of jurisdiction [Doc. 329 at 17]. The mandate issued August 21, 2017 [Doc. 342]. The Court of Appeals held that "Section 304(a)(2) does not authorize the instant suit by [plaintiffs] against the EPA, and that the district court thus lacked jurisdiction over the suit" [Doc. 329 at 14].

Accordingly, it is **ORDERED** that this civil action be, and the same is hereby, **DISMISSED WITH PREJUDICE** and retired from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** October 2, 2017.

A handwritten signature in black ink, appearing to read "John Preston Bailey", written over a horizontal line.

JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE