

No. 16-50453

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UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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PERMIAN BASIN PETROLEUM ASSOCIATION; CHAVES COUNTY,  
NEW MEXICO; EDDY COUNTY, NEW MEXICO;  
LEA COUNTY, NEW MEXICO;

*Plaintiffs-Appellees,*

v.

UNITED STATES DEPARTMENT OF THE INTERIOR; UNITED  
STATES FISH AND WILDLIFE SERVICE; SALLY JEWELL, in her  
official capacity as Secretary of the Interior; DANIEL M. ASHE, in his  
official capacity as Director of the Fish and Wildlife Service;

*Defendants-Appellants.*

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ON APPEAL FROM THE UNITED STATES  
DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

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**UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL**

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Pursuant to Fed. R. App. P. 42(b), Defendants-Appellants United States Department of the Interior, United States Fish and Wildlife Service, Sally Jewell, and Daniel M. Ashe hereby move to voluntarily dismiss their appeal. Plaintiffs-Appellees Permian Basin Petroleum Association, Chaves County, Eddy County, and Lea County do not oppose this motion. Defendants-Appellants and Plaintiffs-Appellees have agreed to bear their own costs in connection with this appeal.

Respectfully submitted,

s/ Robert J. Lundman

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May 10, 2016

90-8-6-07716

## CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2016, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. The parties in the case are each represented by participants who are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

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