

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

OCT 25 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MONTANA ENVIRONMENTAL  
INFORMATION CENTER,

Plaintiff-Appellee,

v.

U.S. OFFICE OF SURFACE MINING, an  
agency within the U.S. Department of the  
Interior; et al.,

Defendants,

and

SIGNAL PEAK ENERGY, LLC,

Intervenor-Defendant-  
Appellant.

No. 17-35808

D.C. No. 9:15-cv-00106-DWM  
District of Montana,  
Missoula

ORDER

The court's records indicate that this appeal was filed during the pendency of a timely-filed Fed. R. App. P. 4(a)(4) motion. The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, proceedings in this court shall be held in abeyance pending the district court's resolution of the pending September 11, 2017 motion. *See Leader Nat'l Ins. Co. v. Industrial Indemnity Ins. Co.*, 19 F.3d 444 (9th Cir. 1994).

To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4. *See* Fed. R. App. P. 4(a)(4).

A copy of this order shall be sent to the district court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Stephanie Zeller  
Deputy Clerk  
Ninth Circuit Rule 27-7