

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WILDEARTH GUARDIANS and
PHYSICIANS FOR SOCIAL
RESPONSIBILITY,

Plaintiffs,

v.

DAVID BERNHARDT, *et al.*,

Federal Defendants,

and

STATE OF WYOMING, STATE OF UTAH,
et al.,

Intervenor Defendants.

Case No. 1:16-cv-01724-RC

**WYOMING AND UTAH'S OPPOSITION TO PLAINTIFFS' MOTION TO
ENFORCE MARCH 19, 2019 REMAND ORDER**

On June 7, 2019, Plaintiffs moved this Court to “enforce” its March 19, 2019 Remand Order (ECF_109). In that Order, this Court found that the Bureau of Land Management failed to comply with the National Environmental Policy Act (NEPA) prior to issuing oil and gas leases in Wyoming. (ECF_99). Accordingly, this Court remanded the matter to the Bureau so that the agency could “satisfy its NEPA obligations.” (ECF_99 at 60). The Bureau has now completed that NEPA analysis. (ECF_114). Accordingly, the deficiencies identified by the Court have been remedied, and the Court has no further claims before it.

Should Plaintiffs wish to challenge the sufficiency of the Bureau’s NEPA analysis, they must challenge it in a civil action. (ECF_114) (“the new decision and analysis cannot be disturbed unless and until Plaintiffs successfully challenge them in a civil action”); 5 U.S.C. § 704. They have not done so. Absent such action, there are no further steps for this Court to take before dismissing the case. (*See* ECF_114). And, in any event, Plaintiffs have not made the requisite showing to justify the injunctive relief that they seek. (ECF_114) (citing *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008)). Accordingly, Wyoming and Utah respectfully request that this Court deny Plaintiffs’ motion.

SUBMITTED this 20th day of June, 2019.

/s/ Erik Petersen

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2019, the foregoing pleading was served by the Clerk of the U.S. District Court of Columbia through the Court's CM/ECF system, which will send notification of such filing to other participants in this case.

/s/ Erik Petersen
Wyoming Attorney General's Office