

No. 20-17359

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SAN FRANCISCO BAYKEEPER, et al.,
Plaintiff/Appellee,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,
Defendants/Appellants.

Appeal from the United States District Court
for the Northern District of California
3:19-cv-05941 (Hon. William H. Alsup)

**APPELLANTS' MOTION TO
VOLUNTARILY DISMISS PURSUANT TO RULE 42(B)**

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**APPELLANTS' MOTION TO
VOLUNTARILY DISMISS PURSUANT TO RULE 42(B)**

Pursuant to Federal Rule of Appellate Procedure 42(b), the United States Environmental Protection Agency, and Jane Nishida, in her official capacity as Acting Administrator of EPA (automatically substituted for Andrew Wheeler under Federal Rule of Appellate Procedure 43(c)), hereby move to voluntarily dismiss their appeal in the above-captioned case, appeal number 20-17359. No party opposes this motion. The parties have agreed to bear their own costs on appeal.

Respectfully submitted,

/s/ Michael T. Gray

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Environment and Natural Resources Division

U.S. Department of Justice

February 26, 2021

**CERTIFICATE OF COMPLIANCE WITH
FEDERAL RULE OF APPELLATE PROCEDURE 27(D)**

I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font.

I further certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 68 words according to the count of Microsoft Word.

s/ Michael T. Gray
MICHAEL T. GRAY