

No. 21-35294

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MONTANA ENVIRONMENTAL INFORMATION CENTER;
WILDEARTH GUARDIANS,
Plaintiffs/ Appellees,

v.

DEBRA ANNE HAALAND, in her official capacity as the United States Secretary of
the Interior, et al.,
Defendants/ Appellants.

Appeal from the United States
District Court for Montana
1:17-cv-00080 (Hon. Susan P. Watters)

**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), Debra Haaland, in her official capacity as the United States Secretary of the Interior; U.S. Office of Surface Mining Reclamation and Enforcement; U.S. Department of the Interior; Marcelo Calle, in his official capacity as Program Support Division Manager of U.S. Office of Surface Mining Western Region; David Berry, in his official capacity as Regional Director of U.S. Office of Surface Mining Western Region; Glenda Owens, in her official capacity as Acting Director of U.S. Office of Surface Mining; Laura Daniel-Davis, in her official capacity as the United States Department of the Interior's Principal Deputy Assistant Secretary, Land and Minerals Management, hereby move to voluntarily dismiss their appeal in the above-captioned case, appeal number 21-35294. Counsel for Plaintiffs-Appellees represents that they do not oppose this motion. The parties have agreed to bear their own costs on appeal.

Respectfully submitted,

/s/ Michael T. Gray

JEAN E. WILLIAMS

Acting Assistant Attorney General

MICHAEL T. GRAY

Attorneys

Environment and Natural Resources Division

U.S. Department of Justice

June 17, 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 153 words according to the count of Microsoft Word.

s/ Michael T. Gray
MICHAEL T. GRAY