

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**AMERICAN PETROLEUM INSTITUTE ET
AL**

CASE NO. 2:21-CV-02506

VERSUS

JUDGE TERRY A. DOUGHTY

U S DEPT OF INTERIOR ET AL

MAGISTRATE JUDGE KAY

JUDGMENT

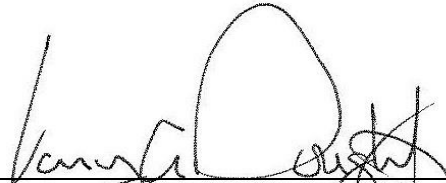
The Report and Recommendation [Doc. No. 94] of the Magistrate Judge having been considered, together with the written objections [Doc. No. 95] and response [Doc. No. 96] thereto filed with this Court, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Dismiss the Amendment Complaint [Doc. No. 75] is **GRANTED IN PART** and **DENIED IN PART**. To the extent that Defendants move to dismiss Plaintiffs' Sixth Cause of Action, **IT IS ORDERED** that the Motion is **GRANTED**, and Plaintiffs' Sixth Cause of Action is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that to the extent Defendants move to dismiss Plaintiffs' Seventh Cause of Action, the Motion is **GRANTED**, and Plaintiffs' Seventh Cause of Action is **DISMISSED WITH PREJUDICE** under FED. R. CIV. P. 12(b)(6) for failure to state a claim within the National Environmental Policy Act's (NEPA) zone of interests.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the remaining relief requested in Defendants' Motion is **DENIED**.

MONROE, LOUISIANA, this 3rd day of November 2022.



Terry A. Doughty
United States District Judge