

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-1131**September Term, 2005****Filed On: September 13, 2006**

[991428]

Coke Oven Environmental Task Force,
Petitioner

v.

Environmental Protection Agency and Stephen L.
Johnson, Administrator, U.S. Environmental
Protection Agency,
Respondents

Utility Air Regulatory Group, et al.,
Intervenors

Consolidated with 06-1148, 06-1149, 06-1154,
06-1155**BEFORE:** Henderson, Griffith, and Kavanaugh, Circuit Judges**ORDER**

Upon consideration of the motion to hold in abeyance and remand the record, the opposition thereto, and the reply; and the joint motion to sever and hold in abeyance, which includes a request to withdraw without prejudice the motion to remand, it is

ORDERED that the joint motion to sever and hold in abeyance be granted. Accordingly, the issue related to the regulation of carbon dioxide and other greenhouse gas emissions raised in Nos. 06-1148 and 06-1149 shall be severed, assigned a separate docket number, No. 06-1322, and held in abeyance pending the Supreme Court's decision in Massachusetts v. EPA, 415 F.3d 50 (D.C. Cir. 2005), cert. granted, 126 S. Ct. 2960 (June 26, 2006). The parties are directed to file motions to govern further proceedings within 30 days of the Supreme Court's decision in Massachusetts v. EPA. It is

FURTHER ORDERED that the remainder of these cases be held in abeyance for seven months to allow the Environmental Protection Agency to complete its proceedings on reconsideration. EPA is directed to file a report on the status of the

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reconsideration proceedings every 60 days during the abeyance period and a final status report 210 days from the date of this order. The parties are directed to file motions to govern further proceedings within 30 days of the EPA's final status report or its decision on reconsideration, whichever occurs earlier.

Per Curiam