

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

Civil Action No. 09-cv-1463-AP

CENTER FOR NATIVE ECOSYSTEMS,  
BIODIVERSITY CONSERVATION ALLIANCE,  
CENTER FOR BIOLOGICAL DIVERSITY,  
DEFENDERS OF WILDLIFE, and  
NATURAL RESOURCES DEFENSE COUNCIL,

Petitioners,

v.

KEN SALAZAR, Secretary of the U.S. Department of the Interior, and  
ROWAN GOULD, Acting Director of the U.S. Fish and Wildlife Service,

Federal Respondents, and

THE STATE OF WYOMING,  
the WYOMING FARM BUREAU FEDERATION, and the  
WYOMING STOCK GROWERS ASSOCIATION,

Respondent-Intervenors.

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**FEDERAL RESPONDENTS' MOTION FOR VOLUNTARY REMAND AND VACATUR**

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Federal Respondents in this action, Ken Salazar, Secretary of the United States Department of the Interior; and Rowan Gould, Acting Director of the United States Fish and Wildlife Service, (collectively "Federal Respondents"), hereby respectfully move this Court for voluntary remand and vacatur of the Service's July 2008 Amended Listing Decision for the Preble's meadow jumping mouse. The Amended Listing Decision should be remanded to the Service so that the Service may voluntarily re-consider its decision. This Motion is supported by

the accompanying Memorandum, the Declaration of Gary Frazer, the other filings in this case, and any arguments at hearing.

Pursuant to D.C. COLO. L. CIV. R. 7.1(a), the undersigned counsel for Federal Respondents conferred with counsel for the Petitioners and Respondent-Intervenors concerning the instant motion. Counsel for the Petitioners stated that the Petitioners agree that remand and vacatur are appropriate, and they will file a response to the Federal Respondents' motion setting forth Petitioners' views on the legal principles pertinent to the Court's consideration of whether to grant that relief in the present posture of the case. For their part, counsel for Respondent-Intervenors the State of Wyoming, the Wyoming Farm Bureau Federation, and the Wyoming Stock Growers Association have indicated that they oppose the instant motion.

Respectfully submitted this 13th day of May, 2011,

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*/s/ J. Brett Grosko*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CERTIFICATE OF SERVICE (CM/ECF)**

I hereby certify that on May 13, 2011, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following e-mail addresses:

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*/s/ J. Brett Grosko*

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