

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MURRAY ENERGY CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES ENVIRONMENTAL )  
 PROTECTION AGENCY and REGINA )  
 A. MCCARTHY, Administrator, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

No. 14-1112

UNOPPOSED MOTION  
TO EXTEND TIME TO  
RESPOND TO PETITION

**Unopposed Motion to Extend Time to  
Respond To Petition for Extraordinary Writ**

Respondents the United States Environmental Protection Agency (EPA) and Regina A. McCarthy, EPA Administrator (collectively, the “United States”) hereby move to extend the time to file a Response to Murray Energy Corp.’s Petition for Extraordinary Writ by two weeks, to November 3, 2014. Undersigned counsel has consulted with counsel for Petitioner, who represented that Petitioner will not oppose this motion. The reasons for this motion are as follows:

1. Petitioner filed its Petition for Extraordinary Writ (“Petition”) on June 18, 2014. ECF Doc. #1498341. In that petition, Murray Energy asks this Court to issue a writ under the All Writs Act, 28 U.S.C. § 1651(a), “prohibiting EPA’s ultra vires rulemaking styled *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units*, 79 Fed. Reg.

34,830 (June 18, 2014).” Petition at 2, 29. In that proposed rule, issued under section 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d), EPA proposed emissions guidelines under which states will issue standards for carbon dioxide (CO<sub>2</sub>) emissions from existing power plants.

2. Under Fed. R. App. P. 21(b), the Court may deny a petition for a writ of prohibition without requiring the Respondents to answer. Under Circuit Rule 21(a), no responsive pleading is permitted unless requested by the Court.

3. On September 18th, 2014, this Court entered an order directing EPA to file a Response to the Petition within thirty days, on or before October 20, 2014.

4. Given that the issues raised in the Petition are the subject of an ongoing rulemaking, and the need for sufficient time for Department of Justice and EPA management review of a response brief addressing such issues, the United States respectfully requests that the Court extend its time to file a Response by two weeks, to November 3, 2014.

5. Undersigned counsel has consulted with counsel for Petitioner, who represented that Petitioner will not oppose this request for a two-week extension.

DATED: September 29, 2014

Respectfully submitted,

/s/ Amanda Shafer Berman  
AMANDA SHAFER BERMAN  
U.S. Department of Justice

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO PETITION was today served electronically through the court's CM/ECF system on all registered counsel.

/s/ Amanda Shafer Berman

DATED: September 29, 2014