

ORAL ARGUMENT NOT YET SCHEDULED**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

RFS POWER COALITION,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondent.

Case No.: 20-1046 (and
consolidated cases)

**MOTION TO VOLUNTARILY DISMISS PETITION FOR REVIEW
AND MOTION TO WITHDRAW MOTION TO INTERVENE**

Pursuant to Federal Rule of Appellate Procedure 42(b) and D.C. Circuit Rules 27(g) and 42, the Renewable Fuels Association hereby submits this motion to voluntarily dismiss its petition for review¹ in *Renewable Fuels Association v. EPA*, Case No. 20-1114 (filed Apr. 6, 2020). Dismissal of the Renewable Fuels Association's petition for review would not affect the issues being raised in the consolidated cases and dismissal at this early stage of proceedings would not

¹ Petition for Review, Case No. 20-1114 (D.C. Cir. filed Apr. 6, 2020), ECF No. 1837433. Pursuant to this Court's Order dated April 9, 2020, Case No. 20-1114 was consolidated with *RFS Power Coalition v. EPA*, Case No. 20-1046 (D.C. Cir. filed Feb. 21, 2020) (and consolidated cases).

prejudice any party. Respondent U.S. Environmental Protection Agency does not oppose this motion.

The Renewable Fuels Association also hereby submits this motion to withdraw its pending April 19, 2020 motion² for leave to intervene in support of Respondents in the above-captioned case. This motion is made only with respect to the Renewable Fuels Association and is not made with respect to any other Movant-Intervenor or any other party. The Renewable Fuels Association's withdrawal as a Movant-Intervenor is appropriate because withdrawal at this early stage of proceedings would not prejudice any party.

Date: May 15, 2020

Respectfully submitted,

/s/ Matthew W. Morrison

Matthew W. Morrison

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Association*

² Motion of Renewable Fuels Association to Intervene in Support of Respondents, *RFS Power Coalition v. EPA*, Case No. 20-1046 (Apr. 17, 2020), ECF No. 1838678.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g)(1), the undersigned hereby certifies:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 236 words, excluding the exempted portions, as provided in Fed. R. App. P. 32(f). As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.
2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 27(a)(5)-(6) because it was prepared in proportionally-spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

May 15, 2020

Respectfully submitted,

/s/ Matthew W. Morrison
Matthew W. Morrison

CERTIFICATE OF SERVICE

I certify that on May 15, 2020, I electronically filed the foregoing Motion to Dismiss and Motion to Withdraw with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Date: May 15, 2020

Respectfully submitted,

/s/ Matthew W. Morrison
Matthew W. Morrison