

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

October 30, 2020

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

WILDEARTH GUARDIANS,

Plaintiff - Appellant,

v.

DAVID LONGLY BERNHARDT, et al.,

Defendants - Appellees,

and

WESTERN ENERGY ALLIANCE, et al.,

Intervenor Defendants - Appellees.

No. 20-2146
(D.C. No. 1:19-CV-00505-RB-SCY)
(D. N.M.)

ORDER

This matter is before the court following the receipt of appellant WildEarth Guardians' docketing statement and this court's review of the district court's docket, which docket shows that—on September 16, 2020—the Federal Defendants filed a *Motion for Clarification* [ECF No. 44] of the order WildEarth seeks to appeal [ECF No. 43]. The district court has yet to rule on the *Motion for Clarification*. Accordingly, the court abates this appeal pending the district court's disposition of the motion docketed as ECF No. 44.

On or before December 2, 2020, WildEarth shall file a written report advising this court as to the status in the district court of ECF No. 44. If the district court rules on ECF

No. 44 before that time, WildEarth shall promptly notify this court in writing. Once the district court has ruled on ECF No. 44: (1) the Clerk of the district court shall supplement the preliminary record as Tenth Circuit Rule 3.2(B) requires; and (2) this court will provide the parties with additional directives regarding the prosecution of this appeal.

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "Lisa A. Lee".

by: Lisa A. Lee
Counsel to the Clerk