

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

RENEWABLE FUELS ASSOCIATION, Petitioner, v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Respondent.	Case No.: 21-9518
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**PETITIONER’S UNOPPOSED MOTION TO VOLUNTARILY DISMISS
PETITION FOR REVIEW**

Pursuant to Federal Rule of Appellate Procedure 42(b), the Renewable Fuels Association hereby submits this motion to voluntarily dismiss its petition for review¹ in the above-captioned case. Dismissal is appropriate because this Court vacated and remanded the U.S. Environmental Protection Agency (“EPA”) decision that is the subject of the Renewable Fuels Association’s petition for review. *See Order, Sinclair Wyo. Refining Co. v. EPA*, Case No. 21-9528 (10th Cir. May 19, 2021), ECF No. 10831071-1 (attached as Exhibit A). Respondent EPA does not oppose this motion. Intervenor-Respondents Sinclair Casper Refining

¹ Petition for Review, Case No. 21-9518 (10th Cir. filed Feb. 8, 2021), ECF No. 10805953.

Company and Sinclair Wyoming Refining Company do not oppose this motion.

Each party shall bear its own costs.

Date: May 24, 2021

Respectfully submitted,

/s/ Matthew W. Morrison

Matthew W. Morrison

Cynthia Cook Robertson

Shelby L. Dyl

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Association*

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 122 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.

Date: May 24, 2021

Respectfully submitted,

/s/ Matthew W. Morrison
Matthew W. Morrison

CERTIFICATE OF SERVICE

I certify that on May 24, 2021, I electronically filed the foregoing Motion to Voluntarily Dismiss with the Clerk of Court for the United States Court of Appeals for the Tenth 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 24, 2021

Respectfully submitted,

/s/ Matthew W. Morrison
Matthew W. Morrison

CERTIFICATE OF DIGITAL SUBMISSION

In accordance with the Court's CM/ECF User's Manual, I hereby certify that:

- 1) All required privacy redactions have been made per Tenth Circuit Rule 25.5;
- 2) Hard copies of this pleading that may be required to be submitted to the Court are exact copies of the ECF filing; and
- 3) The ECF submission has been scanned for viruses with the most recent version of a commercial virus scanning program, SentinelOne 4.6.11.191 and, according to the program, is free of viruses.

Date: May 24, 2021

Respectfully submitted,

/s/ Matthew W. Morrison
Matthew W. Morrison

EXHIBIT A

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 19, 2021

Christopher M. Wolpert
Clerk of Court

SINCLAIR WYOMING REFINING
COMPANY; SINCLAIR CASPER
REFINING COMPANY,

Petitioners,

v.

No. 21-9528

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; MICHAEL S.
REGAN, Administrator of the United
States Environmental Protection Agency,

Respondents.

ORDER

Before **MATHESON**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

This matter is before the court on Federal Respondents’ *Motion for Vacatur and Voluntary Remand*. The motion concedes that the agency did not analyze determinative legal questions regarding whether Petitioners’ (Sinclair Wyoming Refining Company and Sinclair Casper Refining Company (collectively, “Sinclair”)) refineries qualified to receive extensions of the small refinery exemption under this court’s controlling decision in *Renewable Fuels Association v. EPA*, 948 F.3d 1206 (10th Cir. 2020). Sinclair has filed a response stating that it does not oppose Respondents’ motion.

Upon careful consideration, Respondents' unopposed *Motion for Vacatur and Voluntary Remand* is granted. We vacate the agency's decision and remand for further administrative proceedings consistent with this court's decision in *Renewable Fuels Association*.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court

A handwritten signature in black ink, appearing to read 'Chris Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk