

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 16 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

INDIGENOUS ENVIRONMENTAL
NETWORK; NORTH COAST RIVERS
ALLIANCE,

Plaintiffs-Appellants,

v.

JOSEPH R. BIDEN, President; et al.,

Defendants-Appellees,

TRANSCANADA KEYSTONE PIPELINE,
LP; TC ENERGY CORPORATION,

Intervenor-Defendants-
Appellees.

No. 20-36068

D.C. No. 4:19-cv-00028-BMM
District of Montana,
Great Falls

ORDER

Before: RAWLINSON, CALLAHAN, and OWENS, Circuit Judges.

Appellees' motion to dismiss this appeal for lack of jurisdiction (Docket Entry No. 19) is granted in part. *See Akina v. Hawaii*, 835 F.3d 1003, 1010 (9th Cir. 2016) ("An interlocutory appeal of the denial of a preliminary injunction is moot when a court can no longer grant any effective relief sought in the injunction request."). This appeal is dismissed for lack of jurisdiction. We decline to remand with instructions to dismiss the underlying action. We also decline to vacate any of the district court's decisions. We take no position on whether the underlying

case is moot or whether vacatur is appropriate and leave those issues to the district court in the first instance.

DISMISSED.