

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

INDIGENOUS ENVIRONMENTAL  
NETWORK and NORTH COAST RIVERS  
ALLIANCE,

Plaintiffs,

vs.

PRESIDENT DONALD J. TRUMP, et al.,

Defendants,

and

TRANSCANADA KEYSTONE  
PIPELINE, LP, a Delaware limited  
partnership, and TC ENERGY  
CORPORATION, a Canadian Public  
Company,

Defendant-Intervenors.

**4:19-cv-00028-BMM**

**ORDER**

Indigenous Environmental Network (“IEN”) and North Coast Rivers Alliance (“NCRA”) (collectively, “Plaintiffs”) brought this action against President Donald J. Trump and various government agencies and agents in their official capacities (“Federal Defendants”). Plaintiffs allege that President Trump violated the Property Clause of the U.S. Constitution, the Commerce Clause of the U.S.

Constitution, and Executive Order 13,337 when he issued a Presidential Permit in 2019 (“2019 Permit”) to Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corporation (collectively, “TC Energy”) to construct a cross-border segment of the Keystone XL oil pipeline (“Keystone”).

President Joseph R. Biden signed an Executive Order on January 20, 2021 to revoke the 2019 Permit. *See* Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, Exec. Order 13,990, 86 Fed. Reg. 7,037, 7,041 (Jan. 25, 2021). President Biden’s revocation noted that the 2019 Permit included an express condition that the President could revoke that permit at “the President’s sole discretion.” *Id.*

The Southern District of Texas recently decided a case related to President Biden’s revocation. In *State of Texas v. Biden*, 3:21-cv-00065 (S.D. Tex.), Texas and 22 other states sued President Biden and ten agency heads challenging the President’s authority to revoke the Presidential Permit granted for the construction of the Keystone pipeline. The Southern District of Texas determined that the case was moot because TC Energy had removed the pipeline and revoked its permits. 3:21-cv-00065, Doc. 150 at 14/15.

The Court requires further information on the status of any appeals in *State of Texas v. Biden*, 3:21-cv-00065 (S.D. Tex.).

**IT IS HEREBY ORDERED** that the parties shall jointly submit a status

report not to exceed 2000 words on or before March 2, 2022 regarding the status of any appeals or expected appeals in *Texas v. Biden*, 3:21-cv-00065 (S.D. Tex.).

Dated this 24th day of February, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

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Brian Morris, Chief District Judge  
United States District Court