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**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SOVEREIGN IÑUPIAT FOR A LIVING ARCTIC <i>et al.</i> ,)	No. 23-35226 &
)	No. 23-35227
and)	(consolidated)
)	
CENTER FOR BIOLOGICAL DIVERSITY <i>et al.</i> ,)	On Appeal from the
)	United States District
<i>Plaintiffs-Appellants,</i>)	Court for the District of
)	Alaska
v.)	
)	No. 3:23-cv-00058-SLG
BUREAU OF LAND MANAGEMENT <i>et al.</i> ,)	No. 3:23-cv-00061-SLG
)	
<i>Defendants-Appellees,</i>)	Hon. Sharon L. Gleason
)	
and)	
)	
CONOCOPHILLIPS ALASKA, INC. <i>et al.</i> ,)	
)	
<i>Intervenor-Defendants-Appellees.</i>)	
)	

**PLAINTIFFS-APPELLANTS CENTER FOR BIOLOGICAL DIVERSITY
ET AL.'S UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL
PURSUANT TO FEDERAL RULE OF APPELLATE PROCEDURE 42(b)**

Pursuant to Federal Rule of Appellate Procedure 42(b), Plaintiffs-Appellants Center for Biological Diversity *et al.* hereby move the Court for an order dismissing the appeal in No. 23-35227 without prejudice. Defendants-Appellees and Intervenor-Defendants-Appellees do not oppose this request.

On April 19, 2023, this Court issued a consolidated order denying Plaintiffs-Appellants' emergency motions for injunctive relief pending appeal (Dkt. 5 in No. 23-35226; Dkt. 5 in No. 23-35227). Dkt. 27. Plaintiffs-Appellants have conferred with ConocoPhillips Alaska, Inc., the Willow Project proponent, and learned that this winter's construction activities—the subject of the preliminary injunction order on appeal—are set to end in the next few days, with demobilization to be completed the week of May 1, 2023, and major construction activities to be paused until winter freeze-up in late 2023. *See* Dkt. 20-1 at 5, 7.

Considering the construction timeline; that Plaintiffs will seek a briefing schedule in the district court that would allow the court to resolve this case on the merits prior to the commencement of further ground-disturbing activities during the 2023-24 winter construction season; and that any further requests for injunctive relief as to 2023-24 winter construction would be based on different facts, Plaintiffs-Appellants respectfully request dismissal of their appeal of the district court's preliminary injunction order. The parties agree to bear their own costs in connection with this appeal.

Respectfully submitted this 28th day of April, 2023.

s/ Erik Grafe

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CERTIFICATE OF COMPLIANCE

I certify that:

(i) This document uses proportionally spaced, 14-point, roman style font and therefore complies with the typeface and type style requirements of Federal Rules of Appellate Procedure 32(a)(5) and (6); and

(ii) This document contains 230 words, excluding items exempted by Federal Rule of Appellate Procedure 32(f). When divided by 280, the word length of this document does not exceed 20 pages in compliance with Circuit Rules 27-1(1)(d) and 32-3(2).

Dated: April 28, 2023

s/ Erik Grafe
Erik Grafe