

Case No. 23-35226 (consolidated with No. 23-35227)

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

SOVEREIGN IÑUPIAT FOR A LIVING ARCTIC, *et al.*,
Plaintiffs-Appellants,

v.

BUREAU OF LAND MANAGEMENT, *et al.*,
Defendants-Appellees,

and

CONOCOPHILLIPS ALASKA, INC., *et al.*,
Intervenor-Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Case No: 3:23-cv-00058-SLG

**UNOPPOSED MOTION TO VOLUNTARILY DISMISS APPEAL
PURSUANT TO FEDERAL RULE OF APPELLATE PROCEDURE 42(b)**

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Pursuant to Federal Rule of Appellate Procedure 42(b), Plaintiffs-Appellants Sovereign Iñupiat for a Living Arctic *et al.* (“SILA”) move the Court for an order dismissing the above-captioned appeal without prejudice. Defendants-Appellees and Intervenor-Defendants-Appellees do not oppose this request.

On April 19, 2023, this Court issued an order denying SILA’s emergency motion for an injunction pending appeal and ordered further briefing on the appeals to conclude in June 2023. *Sovereign Iñupiat for a Living Arctic v. Bureau of Land Mgmt.*, Case No. 23-35226, Dkt. No. 27 (9th Cir. Apr. 19, 2023) (also issued in Case No. 23-35227). The 2023 winter construction activities which were the subject of SILA’s motion for injunctive relief are scheduled to be completed imminently, prior to the completion of briefing and any potential decisions on this appeal. *See* SILA Mot. Inj. Pending Appeal at 7–8, *Sovereign Iñupiat for a Living Arctic*, Case No. 23-35226, Dkt. No. 5-1. SILA aims to set a briefing schedule in the District Court that will allow the court to resolve this case on the merits prior to the commencement of further ground-disturbing activities during the 2023–2024 winter construction season. SILA reserves the right to seek preliminary injunctive relief based on harm from the specific activities planned at that time. In light of this, and in the interest of judicial economy and avoiding further litigation of the pending appeal, SILA moves to dismiss the above-captioned appeal without

prejudice. The parties agree to bear their own costs in connection with this appeal.

Respectfully submitted this 28th day of April, 2023.

s/ Bridget Psarianos

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