

NOT RECOMMENDED FOR PUBLICATION

File Name: 18a0100n.06

Case Nos. 15-3751, et al.

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

FILED
Feb 28, 2018
DEBORAH S. HUNT, Clerk

**In re: UNITED STATES DEPARTMENT)
OF DEFENSE AND UNITED STATES)
ENVIRONMENTAL PROTECTION)
AGENCY FINAL RULE: CLEAN)
WATER RULE: DEFINITION OF)
“WATERS OF THE UNITED STATES,”)
80 Fed. Reg. 37,054 (June 29, 2015),)**

**MURRAY ENERGY CORPORATION, et)
al.,)
Petitioners,)**

v.)

**UNITED STATES DEPARTMENT OF)
DEFENSE, DEPARTMENT OF THE)
ARMY CORPS OF ENGINEERS; and)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY, et al.,)**

Respondents.)

ORDER OF DISMISSAL

BEFORE: KEITH, McKEAGUE and GRIFFIN, Circuit Judges.

These consolidated actions challenging the validity of the “Clean Water Rule,” 80 Fed. Reg. 37,054 (June 29, 2015), having been transferred to this court by the Judicial Panel on Multi-District Litigation; and

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In re: Dep't of Defense and EPA Clean Water Rule

This court having issued its jurisdictional ruling on February 22, 2016, holding that plaintiffs' challenges are subject to direct review in this court, 817 F.3d 261; and

The Supreme Court having granted certiorari and having on January 22, 2018, reversed the majority jurisdictional ruling and remanded the matter to this court with instructions to dismiss for lack of jurisdiction, *Nat'l Ass'n of Mfrs. v. Dep't of Defense*, 138 S. Ct. 617 (2018); and

The Supreme Court having issued its final judgment on February 23, 2018; now therefore,

IT IS HEREBY ORDERED that this court's order of stay dated October 9, 2015, staying the Clean Water Rule nationwide, *see* 803 F.3d 804, is **VACATED**; and

IT IS FURTHER ORDERED that all petitioners' challenges to the Clean Water Rule consolidated in this action are hereby **DISMISSED** for lack of jurisdiction.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk