

NOT YET SCHEDULED FOR ORAL ARGUMENT

No. 23-1065

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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IN RE:

SIERRA CLUB, CENTER FOR BIOLOGICAL DIVERSITY, DELAWARE  
RIVERKEEPER NETWORK, FRIENDS OF THE EARTH, and  
ENVIRONMENT AMERICA  
*Petitioners.*

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**JOINT UNOPPOSED MOTION TO HOLD CASE IN ABEYANCE**

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Petitioners (Sierra Club, Center for Biological Diversity, Delaware Riverkeeper Network, Friends of the Earth, and Environment America) and Respondent (the United States Department of Energy)—collectively the Parties—jointly submit this motion for the Court to hold this case in abeyance until July 18, 2023. In support of this motion, the Parties state the following:

1. Petitioners seek a writ of mandamus against the Department of Energy (DOE) in this case. Specifically, Petitioners seek an order compelling DOE to respond to their 2013 petition to DOE that requested the agency issue rules outlining how it will decide whether proposed exports of liquefied natural gas are

“consistent with the public interest,” pursuant to section 3(a) of the Natural Gas Act. 15 U.S.C. § 717b(a).

2. DOE intends to issue a final response to Petitioner’s 2013 petition by July 18, 2023.

3. DOE’s intention to issue a final response to Petitioners’ 2013 petition by July 18, 2023 is contingent upon DOE being continually funded for operation between now and July 18, 2023. If there is a lapse in DOE’s appropriations during that time period that makes DOE unable to issue a final response to the 2013 petition by July 18, 2023, DOE intends to discuss the matter with counsel for Petitioners and propose a different date for DOE to issue a final response to the 2013 petition after DOE received appropriations from Congress. If DOE and Petitioners are unable to agree on a further abeyance and DOE is unable to issue a final response to the 2013 petition due to a lapse in appropriations, DOE reserves the right to request a further abeyance from the Court and Petitioners reserve their right to oppose such a request.

4. If DOE issues a final response to the 2013 petition on or before July 18, 2023, or on or before the date any further abeyance this Court has granted expires, the Parties will file a motion for dismissal of this action under Federal Rule of Appellate Procedure 42(b) no more than 14 days after the DOE issues a final response to the 2013 petition.

5. The timeline described in Paragraph 2 represents DOE's present intent regarding issuing a response to the 2013 petition. If DOE does not issue a final response to the 2013 petition by July 18, 2023, Petitioners' sole remedy is to continue to pursue this action.

6. The requested abeyance is in the interest of judicial economy because DOE's issuance of a final response to the 2013 petition will resolve the claims in this matter. The requested abeyance further serves administrative economy because some of the resources DOE would spend responding to the petition for writ of mandamus can instead be spent responding to the 2013 petition.

For these reasons, the Parties respectfully request that the Court hold the case in abeyance until July 18, 2023.

Dated: April 19, 2023.

Respectfully submitted,

*/s/ Harrison Beck*

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## CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f) this document contains 474 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

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