

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

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: January 25, 2017

Re: Case No. 15-3751/15-3799/15-3817/15-3820/15-3822/15-3823/15-3831/15-3837/15-3839/15-3850/15-3853/15-3858/15-3885/15-3887/15-3948/15-4159/15-4162/15-4188/15-4211/15-4234/15-4305/15-4404, *In re: Murray Energy Corporation v. EPA, et al*
Originating Case No. : EPA-HQ-OW-2011-0880

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Amy E. Gigliotti
Case Manager
Direct Dial No. 513-564-7012

cc: Ms. Loren L. AliKhan
Mr. Benjamin D. Battles
Mr. Philip Bein
Ms. Lorelei M Bensel
Mr. Timothy S. Bishop
Mr. Adam Franklin Blalock
Mr. Daniel Paul Bock
Mr. Edward Grant Bohlen
Mr. Andrew Lynn Brasher
Ms. Janette K. Brimmer
Mr. Craig A. Bromby
Mr. Nicholas Bronni
Ms. Karma B. Brown
Ms. Kristy A. N. Bulleit
Mr. John J. Bursch
Mr. Charles C. Caldart

Mr. Jeffrey A. Chanay
Ms. Jennifer C. Chavez
Mr. David William Childs
Mr. Douglas M. Conde
Mr. John Michael Connolly
Mr. William Spencer Consovoy
Mr. Christopher Kaltman DeScherer
Ms. Amy J. Dona
Mr. Parker Douglas
Mr. Andrew J. Doyle
Mr. P. Clayton Eubanks
Mr. Thomas Molnar Fisher
Mr. Royal Gardner
Mr. Paul Garrahan
Mr. Kevin A. Gaynor
Mr. Gaetan E. Gerville-Reache

Mr. Jonathan A Glogau	Mr. Eric E. Murphy
Ms. Heather A. Govern	Mr. Joseph Anthony Newberg
Mr. Burke W. Griggs	Ms. Jessica O'Donnell
Mr. Joel Mitchell Gross	Ms. Margaret I. Olson
Mr. Warren W. Harris	Mr. Christopher Dominic Peloso
Mr. Sam M Hayes	Mr. Erik E. Petersen
Ms. Kimberly S. Hermann	Ms. Lee Ann Rabe
Ms. Megan Hinkle	Mr. Peter T. Reed
Mr. Andrew J. Hirth	Mr. Craig W. Richards
Mr. Timothy Hoffman	Mr. Gregory C. Ridgley
Mr. M. Reed Hopper	Mr. John Quentin Melcher Riegel
Mr. Richard A. Horder	Ms. Kirsten S. P. Rigney
Mr. Mohammad O Jazil	Mr. Lowell Mark Rothschild
Mr. Steven Beauregard Jones	Mr. Richard Abbott Samp
Mr. Alan L. Joscelyn	Mr. James N. Saul
Mr. Sam Kalen	Mr. Matthias L. Sayer
Ms. Melinda Kassen	Mr. Seth Schofield
Mr. James Kaste	Mr. Paul Martin Seby
Ms. Lara Katz	Ms. Linda B. Secord
Mr. Scott Allen Keller	Ms. Jennifer Anne Simon
Mr. Duncan Stuart Kemp, IV	Ms. Deborah Ann Sivas
Mr. Michael B. Kimberly	Mr. Brooks Meredith Smith
Ms. Lisa Ann Kirschner	Mr. James Emory Smith Jr.
Mr. Justin D. Lavene	Ms. Jennifer Ann Sorenson
Mr. Ronald Lavigne	Mr. Wayne K. Stenehjem
Mr. Steven J. Lechner	Ms. Stephanie Tai
Ms. L. Rachel Lerman	Ms. Alicia E. Thesing
Mr. Elbert Lin	Mr. Misha Tseytlin
Mr. Benjamin S. Lippard	Mr. Andrew Turner
Mr. Jon Michael Lipshultz	Mr. Lawrence VanDyke
Mr. John R. Lopez IV	Ms. Jennifer L. Verleger
Ms. Martha Mann	Mr. Ryan Walsh
Mr. S. Peter Manning	Ms. Catherine Wannamaker
Mr. Jeremy C Marwell	Ms. Sarah Hawkins Warren
Ms. Elizabeth P. McCarter	Ms. Susannah Weaver
Ms. Kerry L. McGrath	Mr. Justin T. Wong
Mr. Charles David McGuigan	Ms. Mary Jo Woods
Mr. John K. McManus	Mr. Frederick Richard Yarger
Mr. Andre Monette	Ms. Tamara Zakim

Enclosure

Case Nos. 15-3751/15-3799/15-3817/15-3820/15-3822/15-3823/15-3831/15-3837/15-3839/15-3850/15-3853/15-3858/15-3885/15-3887/15-3948/15-4159/15-4162/15-4188/15-4211/15-4234/15-4305/15-4404

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

ORDER

In re: ENVIRONMENTAL PROTECTION AGENCY AND DEPARTMENT OF DEFENSE,
FINAL RULE: CLEAN WATER RULE: DEFINITION OF "WATERS OF THE UNITED
STATES" 80 FED.REG.37,054, PUBLISHED ON JUNE 29, 2015. (MCP NO. 135)

MURRAY ENERGY CORPORATION, et al

Petitioners

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; GINA MCCARTHY;
UNITED STATES ARMY CORPS OF ENGINEERS; JOHN MCHUGH; JO-ELLEN DARCY

Respondents

BEFORE: KEITH, MCKEAGUE and GRIFFIN, Circuit Judges

Upon review and consideration, the motion to hold the briefing in abeyance is **GRANTED**.

Briefing will be held in abeyance pending the Supreme Court decision in *National Association of Manufacturers v. U.S. Department of Defense*, No. 16-299 (S. Ct.), or further order of this court.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk



Issued: January 25, 2017
