

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

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CENTER FOR BIOLOGICAL  
DIVERSITY; PACIFIC RIVERS  
COUNCIL; BIODIVERSITY  
CONSERVATION ALLIANCE,

Plaintiffs - Appellants,

v.

UNITED STATES FISH AND WILDLIFE  
SERVICE, an agency of the United States;  
STEPHEN GUERTIN, in his official  
capacity as Regional Director (Region 6) of  
the United States Fish and Wildlife Service;  
DALE HALL, in his official capacity as  
Director of the United States Fish and  
Wildlife Service; DIRK KEMPTHORNE,  
in his official capacity as Secretary of the  
Interior,

Defendants - Appellees,

and

STATE OF UTAH; STATE OF  
WYOMING,

Defendant-Intervenors - Appellees.

No. 07-1203  
(D.Ct. No. 05-CV-305)

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ORDER  
Filed October 22, 2007

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Before **KELLY, MURPHY** and **McCONNELL**, Circuit Judges.

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This matter is before the court on the parties' *Joint Motion For Dismissal of the Appeal Or, Alternatively, Joint Motion For Remand*. Upon careful review of the file, we vacate the district court's order and judgment dated March 7, 2007, and its order taxing costs dated April 11, 2007. In accord with the agreement of the parties, we award attorneys' fees and costs to plaintiffs, Center for Biological Diversity, et al., in the amount of \$57,234.35. The joint motion to dismiss the appeal is granted, and we remand this matter with instructions to the district court to dismiss the underlying case. The mandate shall issue forthwith.

Entered for the Court



Elisabeth A. Shumaker  
Clerk of Court