

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

July 22, 2014

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

THE CHICKASAW NATION, further
designation under review by the court,

Petitioner - Cross/Respondent,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent - Cross/Petitioner.

No. 13-9578 & 13-9588
(D.C. No. 17-CA-025031)

THE NATIONAL CONGRESS OF
AMERICAN INDIANS; THE CHOCTAW
NATION OF OKLAHOMA; NAVAJO
NATION; OSAGE NATION;
SOUTHERN UTE INDIAN TRIBE; UTE
MOUNTAIN UTE TRIBE; LITTLE
RIVER BAND OF OTTAWA INDIANS;
SAGINAW CHIPPEWA INDIAN TRIBE
OF MICHIGAN; AMERICAN INDIAN
LAW SCHOLARS,

Amici Curiae.

ORDER

Before **GORSUCH**, **MATHESON**, and **BACHARACH**, Circuit Judges.

These matters are before us on the *Motion of the National Labor Relations Board to Vacate and Remand and for Expedited Issuance of Mandate in Light of NLRB v. Noel*

Canning and Petitioner the Chickasaw Nation's Response to Motion of the National Labor Relations Board to Vacate and Remand.

The Board asks us to vacate the Board's order, remand to the Board for further proceedings, and expeditiously issue the mandate and return the record to the Board so that the Board may promptly exercise jurisdiction over the matter.

The Chickasaw Nation does not oppose a remand but asks us to abate these appeals while the matter is remanded, so that upon returning to this court, the appeals can be promptly considered and scheduled for supplemental briefing, oral argument and disposition. The Nation also asks us to instruct the Board to expedite its consideration of the case, consistent with a 2012 agreement between the parties.

Upon consideration, the Board's motion is granted. In light of *NLRB v. Noel Canning*, No. 12-1281, 2014 WL 2882090 (June 26, 2014), we VACATE the Board's order and REMAND to the Board for further proceedings. To the extent the Nation's response contains a request for relief, it is denied. The parties may seek appropriate relief, including requesting expedited consideration, in any new petition for review or application for enforcement filed following completion of the remand proceedings.

All other pending motions are denied as moot. The clerk is directed to return the agency record to the Board forthwith.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Jane K. Castro", with a long horizontal flourish extending to the right.

by: Jane K. Castro
Counsel to the Clerk