

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

October 29, 2020

FOR THE TENTH CIRCUIT

**Christopher M. Wolpert
Clerk of Court**

HIGH COUNTRY CONSERVATION
ADVOCATES; WILDEARTH
GUARDIANS; CENTER FOR
BIOLOGICAL DIVERSITY; SIERRA
CLUB; WILDERNESS WORKSHOP,

Plaintiffs - Appellants,

v.

UNITED STATES FOREST SERVICE;
UNITED STATES DEPARTMENT OF
AGRICULTURE; DANIEL JIRON, in his
official capacity as Acting Under Secretary
of Agriculture for Natural Resources and
Environment, U.S. Department of
Agriculture; SCOTT ARMENTROUT, in
his official capacity as Supervisor of the
Grand Mesa Uncompahgre, and Gunnison
National Forests; UNITED STATES
DEPARTMENT OF INTERIOR;
BUREAU OF LAND MANAGEMENT;
KATHERINE MACGREGOR, in her
official capacity as Deputy Assistant
Secretary, Land and Minerals
Management, U.S. Department of Interior,

Defendants - Appellees,

and

MOUNTAIN COAL COMPANY, LLC,

Defendant Intervenor - Appellee.

No. 20-1358
(D.C. No. 1:17-CV-03025-PAB)
(D. Colo.)

ORDER

Before **BRISCOE, KELLY**, and **LUCERO**, Circuit Judges.

Appellants filed an Emergency Motion for Injunction Pending Appeal on October 5, 2020. We ordered Appellees to respond to the motion and entered a temporary stay to facilitate our consideration of the motion and responses. Having now considered the motion and responses in light of the governing standard, *see Nken v. Holder*, 556 U.S. 418, 434 (2009), we vacate the temporary stay and grant the Emergency Motion for Injunction Pending Appeal. Pending our consideration of the appeal, we enjoin Appellee Mountain Coal Company “from imminently bulldozing additional drilling pads on [the road constructed after issuance of this court’s April 24, 2020, mandate in No. 18-1374] and drilling methane ventilation boreholes in preparation for coal mining in the Sunset Roadless Area.” Mot. at 3.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk