

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-14035
Non-Argument Calendar

D.C. Docket No. 2:15-cv-00079-LGW-RSB

STATE OF GEORGIA,

Ex. Rel. Christopher M. Carr in his official capacity
as Attorney General of Georgia,
40 Capitol Square, S.W., Atlanta, GA 30334,

STATE OF WEST VIRGINIA,

Ex Rel. Patrick Morrisey in his official capacity
as Attorney General of West Virginia,
State Capitol Building 1, Room E-26, Charleston, WI V 25305,

STATE OF ALABAMA,

Ex Rel. Steven T. Marshall in his official capacity
as Attorney General of Alabama,
501 Washington Avenue, Montgomery, AL 36130

STATE OF FLORIDA,

Ex Rel. Pamela Jo Bondi in her official capacity
as Attorney General of Florida
PL-01, The Capitol Tallahassee, FL 32399,

STATE OF KANSAS,

Ex Rel. Derek Schmidt in his official capacity
as Attorney General of Kansas
120 SW 10th Ave., 2nd Floor, Topeka, KS 66612,

COMMONWEALTH OF KENTUCKY,

Ex Rel. Jack Conway in his official capacity
as Attorney General of Kentucky,
700 Capitol Avenue, Suite 118, Frankfort, KY 40601,

STATE OF SOUTH CAROLINA,
Ex Rel. Alan Wilson in his official capacity
as Attorney General of South Carolina,
1000 Assembly Street, Room 519, Columbia, SC 29201,

STATE OF UTAH,
Ex Rel. Sean D. Reyes in his official capacity
as Attorney General of Utah,
Utah State Capitol Complex, 350 North State Street,
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STATE OF WISCONSIN,
Ex Rel. Brad D. Schimel in his official capacity
as Attorney General of Wisconsin,
17 West Main Street, Madison, WI 53707,

STATE OF INDIANA,
Ex. Rel. Gregory F. Zoeller, in his official capacity
as Attorney General of Indiana,
302 West Washington Street,
Indiana Government Center - South, Fifth Floor, Indianapolis, IN 46204,

Plaintiffs - Appellants,

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY,
215 West Jones Street, Raleigh, NC 27603,

Plaintiff,

versus

E. SCOTT PRUITT,
in his official capacity as Administrator of the
United States Environmental Protection Agency,

DOUGLAS W. LAMONT,
in his official capacity as Senior Official Performing
the Duties of the Assistant Secretary of the Army (Civil Works),

Defendants - Appellees.

Appeal from the United States District Court
for the Southern District of Georgia

(January 24, 2018)

Before ED CARNES, Chief Judge, JILL PRYOR, Circuit Judge, and REEVES,^{*}
District Judge.

PER CURIAM:

This is an appeal from the district court's denial of a preliminary injunction to enjoin enforcement of the Waters of the United States Rule that was jointly promulgated by the Environmental Protection Agency and the Army Corps of Engineers, 80 Fed. Reg. 37054 (June 29, 2015), under the Clean Water Act. See Georgia v. McCarthy, CV-215-79, 2015 WL 5092568 (S.D. Ga. Aug. 27, 2015); see also Georgia ex rel. Olens v. McCarthy, 833 F.3d 1317 (11th Cir. 2016).

We vacate and remand the district court's order for further proceedings in light of National Ass'n of Manufacturers v. Department of Defense, 583 U.S. ___ (Jan. 22, 2018) (slip. op.).

VACATED AND REMANDED.

^{*} Honorable Danny C. Reeves, United States District Judge for the Eastern District of Kentucky, sitting by designation.

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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January 24, 2018

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 15-14035-EE
Case Style: State of Georgia, et al v. E. Scott Pruitt, et al
District Court Docket No: 2:15-cv-00079-LGW-RSB

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Elora Jackson, EE at (404) 335-6173.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch
Phone #: 404-335-6161

OPIN-1 Ntc of Issuance of Opinion