

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF NORTH DAKOTA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:23-cv-00004
)	
THE UNITED STATES DEPARTMENT OF)	
INTERIOR; <i>et al.</i> ,)	
)	
Defendants.)	

MOTION FOR PRELIMINARY INJUNCTION

The State of North Dakota (“State” or “North Dakota”) respectfully submits this Motion for Preliminary Injunction (“Motion”) pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the Administrative Procedure Act, 5 U.S.C. 705; 706(1)-(2). North Dakota respectfully moves for this Court to grant this Motion for the reasons set forth in the accompanying memorandum in support of this Motion, and all exhibits and attachments thereto.

The Federal Defendants have unlawfully cancelled all but one of the eight quarterly federal oil and gas lease sales in North Dakota in 2021 and 2022 that were required by the federal Mineral Leasing Act (“MLA”). These unlawful cancellations are causing irreparable harm to North Dakota, impairing North Dakota’s sovereign right and obligations to develop and regulate thousands of acres of private and state mineral resources that are communitized with federal mineral interests and blocked from development when the leasing of those federal interests is unlawfully cancelled.

For the reasons set forth above and in the accompanying memorandum, North Dakota respectfully requests that the Court:

1. Hold oral argument on North Dakota's Motion for Preliminary Injunction; and
2. Enter an ORDER granting North Dakota's Motion for Preliminary Injunction:
 - A. Declaring the Federal Defendants actions of cancelling quarterly lease sales are unlawful;
 - B. Enjoining and restraining the Federal Defendants under 5 U.S.C. 706(1) and 5 U.S.C. 705 from unlawfully cancelling future quarterly lease sales; and
 - C. Compelling the Federal Defendants under 5 U.S.C. 706(1) to hold the previously cancelled quarterly lease sales for "available" lands.

Dated: January 9, 2023

DREW H. WRIGLEY
ATTORNEY GENERAL
STATE OF NORTH DAKOTA

/s/ Paul M. Seby

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COUNSEL FOR PLAINTIFF
STATE OF NORTH DAKOTA

CERTIFICATE SERVICE

I hereby certify that a true and correct copy of the **MOTION FOR PRELIMINARY INJUNCTION** has been served on this 9th day of January, 2023 via certified mail, return receipt requested upon:

The U.S. Department of Interior
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/s/ Paul M. Seby