

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CENTER FOR BIOLOGICAL DIVERSITY,))	
<i>et al.</i> ,))	
))	
<i>Plaintiffs</i> ,))	Civil Action No. 1:18-0655 (KBJ)
v.))	
))	RESPONSE TO COURT’S
KEVIN K. MCALEENAN, <i>et al.</i> ,))	MINUTE ORDER
))	
<i>Defendants</i> .))	
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In response to the Court’s September 10, 2019 minute order, and in light of the Court’s September 4, 2019 Memorandum Opinion (ECF No. 37), Plaintiffs agree it would serve the interests of judicial economy for the Court to dismiss Plaintiffs’ claims against the two waiver determinations challenged in the consolidated case formerly captioned *Ctr. for Biological Diversity v. Nielsen*, 18-cv-2396 (D.D.C.). Accordingly, Plaintiffs have no objection to the Court granting Defendants’ motion for partial dismissal (ECF No. 39) based on the Court’s prior ruling, and with the understanding that Plaintiffs respectfully disagree with that ruling and preserve their rights to seek further relief, including appeal.¹

DATED: September 11, 2019

Respectfully submitted,
/s/ Anchun Jean Su
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¹ Plaintiffs also note Defendants filed their Motion to Dismiss without confirming Plaintiffs’ position of non-opposition, which would have thereby saved the Court the need to issue its Minute Order.