

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

April 2, 2019

Lyle W. Cayce  
Clerk

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No. 14-31008

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MARKLE INTERESTS, L.L.C.; P&F LUMBER COMPANY 2000, L.L.C.; PF  
MONROE PROPERTIES, L.L.C.,

Plaintiffs - Appellants

v.

UNITED STATES FISH AND WILDLIFE SERVICE; DANIEL M. ASHE,  
Director of United States Fish & Wildlife Service, in his official capacity;  
UNITED STATES DEPARTMENT OF INTERIOR; SALLY JEWELL, in her  
official capacity as Secretary of the Department of Interior,

Defendants - Appellees

CENTER FOR BIOLOGICAL DIVERSITY; GULF RESTORATION  
NETWORK,

Intervenor Defendants - Appellees

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Cons/w 14-31021  
WEYERHAEUSER COMPANY,

Plaintiff - Appellant

v.

UNITED STATES FISH AND WILDLIFE SERVICE; DANIEL M. ASHE,  
Director of United States Fish & Wildlife Service, in his official capacity;  
SALLY JEWELL, in her official capacity as Secretary of the Department of  
Interior,

Defendants - Appellees

CENTER FOR BIOLOGICAL DIVERSITY; GULF RESTORATION  
NETWORK,

Intervenor Defendants - Appellees

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Appeals from the United States District Court  
for the Eastern District of Louisiana

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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, OWEN, and HIGGINSON, Circuit Judges.

PER CURIAM:

On June 30, 2016, in a divided opinion, we affirmed the district court's grant of summary judgment to appellee United States Fish and Wildlife Service in this lawsuit challenging the Service's designation of land in St. Tammany Parish as "critical habitat" for the dusky gopher frog under the Endangered Species Act. *Markle Interests, L.L.C. v. United States Fish & Wildlife Serv.*, 827 F.3d 452 (5th Cir. 2016). The Supreme Court granted certiorari and vacated our judgment on November 27, 2018. *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 139 S. Ct. 361 (2018). In light of the Supreme Court's order, we REMAND to the district court for further proceedings, including any determination as to the appropriateness of a remand to Fish and Wildlife Service.