

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 12-3037

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Gerald M. Tyler; Dale K. Lueck

*Appellants*

v.

Secretary Interior K Salazar, in his official capacity as Secretary of the Interior;  
United States Fish and Wildlife Service; Rowan Gould, in his official capacity as  
Acting Director, United States Fish and Wildlife Service

*Appellees*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: April 24, 2013  
Filed: April 30, 2013  
[Unpublished]

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Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Gerald Tyler and Dale Lueck appeal the district court's<sup>1</sup> denial of their motion for attorneys' fees and litigation costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and the Endangered Species Act, 16 U.S.C. § 1540(g)(4). After careful review of the record, see Jenkins v. Missouri, 127 F.3d 709, 713 (8th Cir. 1997) (standard of review), and having considered the parties' submissions on appeal, we agree with the district court that appellants are not entitled to the relief they sought, for the reasons explained by the district court.

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Leo I. Brisbois, United States Magistrate Judge for the District of Minnesota.