

**FOR PUBLICATION**

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

KELSEY CASCADIA ROSE JULIANA;  
XIUHTEZCATL TONATIUH M.,  
through his Guardian Tamara Roske-  
Martinez; ALEXANDER LOZNAK;  
JACOB LABEL; ZEALAND B., through  
his Guardian Kimberly Pash-Bell;  
AVERY M., through her Guardian  
Holly McRae; SAHARA V., through  
her Guardian Toa Aguilar; KIRAN  
ISAAC OOMMEN; TIA MARIE  
HATTON; ISAAC V., through his  
Guardian Pamela Vergun; MIKO V.,  
through her Guardian Pamel Vergun;  
HAZEL V., through her Guardian  
Margo Van Ummerson; SOPHIE K.,  
through her Guardian Dr. James  
Hansen; JAIME B., through her  
Guardian Jamescita Peshlakai;  
JOURNEY Z., through his Guardian  
Erika Schneider; VICTORIA B.,  
through her Guardian Daisy  
Calderon; NATHANIEL B., through  
his Guardian Sharon Baring; AJI P.,  
through his Guardian Helaina Piper;  
LEVI D., through his Guardian  
Leigh-Ann Draheim; JAYDEN F.,  
through her Guardian Cherri Foytlin;  
NICHOLAS V., through his Guardian  
Marie Venner; EARTH GUARDIANS, a

No. 18-36082

D.C. No.  
6:15-cv-01517-  
AA

ORDER

nonprofit organization; FUTURE GENERATIONS, through their Guardian Dr. James Hansen,  
*Plaintiffs-Appellees,*

v.

UNITED STATES OF AMERICA; MARY B. NEYMAYR, in her official capacity as Director of Council on Environmental Quality; MICK MULVANEY, in his official capacity as Director of the Office of Management and the Budget; KELVIN K. DROEGEMEIR, Dr., in his official capacity as Director of the Office of Science and Technology Policy; DAN BROUILLETTE, Dr., in his official capacity as Secretary of Energy; U.S. DEPARTMENT OF THE INTERIOR; DAVID BERNHARDT, in his official capacity as Secretary of Interior; U.S. DEPARTMENT OF TRANSPORTATION; ELAINE L. CHAO, in her official capacity as Secretary of Transportation; UNITED STATES DEPARTMENT OF AGRICULTURE; SONNY PERDUE, in his official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF COMMERCE; WILBUR ROSS, in his official capacity as Secretary of Commerce; UNITED STATES DEPARTMENT OF DEFENSE; MARK T.

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ESPER, in his official capacity as Secretary of Defense; UNITED STATES DEPARTMENT OF STATE; MICHAEL POMPEO, in his official capacity as Secretary of State; ANDREW WHEELER, in his official capacity as Administrator of the EPA; OFFICE OF THE PRESIDENT OF THE UNITED STATES; U.S. ENVIRONMENTAL PROTECTION AGENCY; U.S. DEPARTMENT OF ENERGY; DONALD J. TRUMP, in his official capacity as President of the United States,  
*Defendants-Appellants.*

Filed February 10, 2021

Before: Mary H. Murguia and Andrew D. Hurwitz, Circuit Judges, and Josephine L. Staton,\* District Judge.

Order

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## ORDER

The full court has been advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a

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\* The Honorable Josephine L. Staton, United States District Judge for the Central District of California, sitting by designation.

majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed R. App. P. 35.

The petition for rehearing en banc, Dkt. 156, is **DENIED**.

Judges McKeown, Collins, Bress and VanDyke did not participate in the consideration of the petition for rehearing en banc.