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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

DINÉ CARE and NATIONAL PARKS  
CONSERVATION ASSOCIATION,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY and LISA P.  
JACKSON,

Defendants.

No. C 12-03987 JSW

**SECOND ORDER TO SHOW  
CAUSE RE VENUE**

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This matter was transferred by order of the United States District Court for the District of Columbia granting a stipulation of the parties to transfer the portion of the original complaint pertaining to the Navajo Generating Station (located in Arizona) to this Court and to transfer the portion of the original complaint pertaining to the Four Corners Power Plant (located in new Mexico) to the United States District Court for the District of New Mexico. Although the parties appear to have agreed to transfer, it remains unclear that venue is proper in this Court.

On June 4, 2013, this Court issued an order to show cause requiring Plaintiff to respond in writing as to why this case is properly venued in this District. Having received the response, the Court remains concerned that this action is not properly before it. The provision allowing citizen suits under the Clean Air Act specifically provides that “[a]ny action respecting a violation by a stationary source of an emission standard or limitation or an order respecting such standard or limitation may be brought *only* in the judicial district in which such source is

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located.” 42 U.S.C. § 7604(c)(1) (emphasis added).

The Court therefore issues this second order to show cause to Plaintiff to respond in writing no later than June 18, 2013 as to why this specific venue provision does not apply. Defendants shall proffer their response by no later than June 21, 2013. The hearing on the cross-motions for summary judgment scheduled for June 21, 2013 is **HEREBY VACATED** and shall be rescheduled, if necessary, by subsequent order.

**IT IS SO ORDERED.**

Dated: June 14, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE