

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 09-cv-01288-WYD-KLM

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

U.S. FISH AND WILDLIFE SERVICE; and
KEN SALAZAR, SECRETARY OF THE DEPARTMENT OF THE INTERIOR,

Defendants.

ORDER OF DISMISSAL OF CLAIMS

THIS MATTER is before the Court on the Stipulation of Dismissal Pursuant to Rule 41(a)(1)(A)(ii) (docket #22), filed August 26, 2009. In the stipulation, the parties indicate that claims one and two should be dismissed. However, Plaintiff's claim for attorney fees and costs remains in dispute. Upon approval of the stipulation, the parties will submit to the Court a proposed briefing schedule to resolve Plaintiff's claims for attorney fees and costs. After a careful review of the file, the Court has concluded that pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the stipulation should be approved and claims one and two should be **DISMISSED**. Accordingly, it is

ORDERED that the Stipulation of Dismissal Pursuant to Rule 41(a)(1)(A)(ii) (docket #22), filed August 26, 2009, is **APPROVED**, and claims one and two are **DISMISSED**. It is

FURTHER ORDERED a judgment will not be entered until Plaintiff's claim for attorney fees and costs is resolved. It is

FURTHER ORDERED that the parties shall submit to the Court a proposed briefing schedule to resolve Plaintiff's claim for attorney fees and costs. Upon receipt of the submissions, the Court will likely set a hearing. It is

FURTHER ORDERED that the Court will retain jurisdiction over this matter to resolve the attorney fee and cost dispute.

Dated: August 28, 2009

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge