

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Walker D. Miller

Civil Action No. 10-cv-00817-WDM-CBS

WILDEARTH GUARDIANS,

Plaintiff,

v.

KEN SALAZAR,

Defendant.

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**ORDER**

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This matter is before me on the parties' motion to enter the settlement agreement as a order of dismissal (Doc. No. 6) and the parties' stipulated settlement agreement (Doc. No. 5). Being sufficiently advised in the premises, the parties' motion is granted in part and denied in part. Accordingly, it is ordered:

1. On or before September 10, 2010, the US Fish and Wildlife Service ("Service") shall submit to the Federal Register for publication a 12-month finding with regard to whether the listing of Sprague's pipit (*Anthus spragueii*) as threatened or endangered is warranted, not warranted, or warranted but precluded pursuant to 16 U.S.C. § 1633(b)(3)(B);
2. The Defendant shall pay Plaintiff \$700 as full settlement for all claimed attorneys' fees and costs incurred to date;
3. Otherwise the complaint shall be dismissed with prejudice; and

4. This court shall retain jurisdiction to enforce the parties' May 19, 2010 settlement agreement (Doc. No. 5).

DATED at Denver, Colorado, on May 26, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Walker D. Miller', written over a faint circular stamp.

s/ Walker D. Miller  
United States Senior District Judge