

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:15-cv-00615-AP

ROCKY MOUNTAIN WILD, CENTER FOR BIOLOGICAL  
DIVERSITY, UTAH NATIVE PLANT SOCIETY, SOUTHERN  
UTAH WILDERNESS ALLIANCE, GRAND CANYON TRUST,  
WESTERN RESOURCE ADVOCATES, and WESTERN  
WATERSHEDS PROJECT,

Plaintiffs,

v.

NOREEN WALSH, in her official capacity as Regional Director of  
the Mountain-Prairie Region of the U.S. Fish & Wildlife Service,  
S.M.R. JEWELL, in her official capacity as Secretary of the U.S.  
Department of the Interior, U.S. FISH AND WILDLIFE SERVICE,  
and U.S. DEPARTMENT OF THE INTERIOR

Defendants.

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ORDER

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KANE, J.

Under the Court's local rules of practice, D.C.COLO.LAPR 1.1. *et seq.*, the AP judge manages an administrative appeal through briefing, after which it is returned to the Clerk's Office to be drawn to a judge like any other civil case under D.C.COLO.LCiv.R 40.1. *See* Untangling Federal Administrative Appeals Practice in the District of

Colorado, 42 Colo. Law. 31 (March 2013).<sup>1</sup> In some appeals – particularly those from informal agency decisions where there is no formal record of the administrative proceedings below– this pre-briefing case management often includes challenges to the jurisdictional and related justiciability of the appeal as pled. I find the issues raised in the Proposed Intervenor Defendants’ Motion to Intervene (Doc. 10) to be sufficiently intertwined with the merits of the underlying controversy to suggest the AP judge refrain from resolving them to avoid binding the merits judge to a ruling which he or she may view differently.

For the foregoing reasons, this case is REMITTED to the Clerk for immediate random assignment to a merits judge under D.C.COLO.LCiv.R 40.1. The parties are reminded that the case remains an administrative appeal under the Court’s Local Appellate (LAP) Rules and that briefing and other pre-merits procedures remain governed by the LAP Rules and the operative Joint Case Management Plan.

Dated: July 7, 2015.

**s/John L. Kane**  
SENIOR U.S. DISTRICT JUDGE

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<sup>1</sup> Available on the Court’s website at [http://www.cod.uscourts.gov/Portals/0/Documents/JLK/jlk\\_CH-KR-AP-docket-article-03-2013-Colo-Lawyer.pdf](http://www.cod.uscourts.gov/Portals/0/Documents/JLK/jlk_CH-KR-AP-docket-article-03-2013-Colo-Lawyer.pdf).