UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SIERRA CLUB, Plaintiff, v. GINA McCARTHY, Administrator, U.S. Environmental Protection Agency, Defendant.	Civil Action No. 01-1537 (PLF) (consolidated with Civil Action No. 01-1548 Civil Action No. 01-1558 Civil Action No. 01-1569 Civil Action No. 01-1578 Civil Action No. 01-1582 Civil Action No. 01-1597)

MEMORANDUM OPINION AND ORDER

This matter is before the Court on the Environmental Protection Agency ("EPA")'s notice of completion and motion to close these consolidated cases [Dkt. 176]. In an Order dated July 14, 2015, the Court determined that it would treat EPA's notice "as a motion requesting the closure of these consolidated cases." ORDER at 2 (July 14, 2015) [Dkt. 180]. Sierra Club opposes the motion [Dkt. 177].[1] Upon consideration of the parties' arguments, the relevant legal authorities, and pertinent portions of the record, the Court will deny EPA's motion as moot.

This Court's most recent opinion summarized the procedural history of this case. See Sierra Club v. McCarthy, 61 F. Supp. 3d 35, 37-39 (D.D.C. 2014). EPA now moves to close

[1] The papers considered in connection with the pending issues include EPA's Notice of Completion of Required Action and Resolution of Claim for Costs of Litigation ("Mot.") [Dkt. 176]; Response of Sierra Club to EPA's Notice of Completion of Required Action [Dkt. 177]; EPA's Opposition to Sierra Club's Request That the Court Retain Jurisdiction Over This Matter [Dkt. 181]; Sierra Club's Sur-Reply in Opposition to EPA's Motion For Closure of the Cases [Dkt. 184]; and Sierra Club's Notice of Filing of Petition for Review [185].

these consolidated cases because, on June 3, 2015, it issued a notice stating that it had fulfilled its duty to promulgate a final rule containing the emissions standards required under Clean Air Act Section 112(c)(6). See Mot. at 1 (citing 80 Fed. Reg. 31,470 (June 3, 2015)). Subsequent to EPA's motion, Sierra Club filed a petition for review of the merits of EPA's final rule in the United States Court of Appeals for the District of Columbia Circuit, see Dkt. 185 at 1, and that case is currently pending.

EPA fails to recognize that this Court entered final judgment under Rule 58 of the Federal Rules of Civil Procedure and Rule 4(a) of the Federal Rules of Appellate Procedure in favor of Sierra Club and terminated these consolidated cases on March 31, 2006. ORDER at 4 (March 31, 2006) [Dkt. 80]. The Court's jurisdiction in subsequent proceedings in this case stems from its authority to enforce that Order. See, e.g., Sierra Club v. McCarthy, 61 F. Supp. 3d at 39 ("'District courts have the authority to enforce the terms of their mandates.'" (quoting Flaherty v. Pritzker, 17 F. Supp. 3d 52, 55 (D.D.C. 2014))). The Court therefore will deny EPA's motion to close these consolidated cases as moot. The case already is closed.

For the foregoing reasons, it is hereby

ORDERED that EPA's motion to close these consolidated cases [Dkt. 176] is DENIED as moot.

SO ORDERED.

/s/
PAUL L. FRIEDMAN
United States District Judge

DATE: February 19, 2016