

# In The United States Court of Federal Claims

No. 00-761T

(Filed: October 21, 2010)

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MINGO LOGAN COAL CO.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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On September 15, 2010, the parties filed a joint status report proposing that the court await the resolution of a petition for rehearing and rehearing en banc in *Consolidation Coal Co. v. United States* before determining the effect of the Federal Circuit's decision on the remaining Reclamation Fees claims in this case. On October 12, 2010, the United States Court of Appeals for the Federal Circuit denied Consolidation Coal's petition for rehearing. On October 19, 2010, the Federal Circuit issued its mandate.

In light of the final resolution of *Consolidation Coal* at the Federal Circuit and the unlikelihood that the Supreme Court will grant a petition for writ of certiorari, the court anticipates restoring this case to the active docket. On or before November 24, 2010, the parties shall file a joint status report indicating how this case should proceed.

**IT IS SO ORDERED.**

s/ Francis M. Allegra

Francis M. Allegra

Judge