

**In the United States District Court  
for the Southern District of Georgia  
Brunswick Division**

STATE OF GEORGIA, et al.,	*	
	*	
Plaintiffs,	*	
	*	
v.	*	CV 215-79
	*	
GINA A. MCCARTHY, et al.,	*	
	*	
Defendants.	*	

**ORDER**

On August 27, 2015, this Court denied Plaintiffs' Motion for Preliminary Injunction and concluded that 33 U.S.C. § 1369(b)(1) gives the courts of appeals exclusive jurisdiction over certain challenges to the Clean Water Act, 33 U.S.C. § 1251 et seq., such as the challenge in this case. Dkt. No. 77.

The same parties are presenting the same claims to the Sixth Circuit Court of Appeals pursuant to an order of the Judicial Panel on Multidistrict Litigation. See State of Georgia v. EPA, No. 15-3887. The Sixth Circuit held that 33 U.S.C. § 1369(b)(1) does indeed give courts of appeals exclusive original jurisdiction over challenges to the rule in question here. In re EPA & Dep't of Def. Final Rule, 817 F.3d 261 (6th Cir. 2016). Following the issuance of that order, the Eleventh

Circuit of Appeals ordered any appeal of the present case held in abeyance pending resolution of the case by the Sixth Circuit. State of Georgia v. EPA, No. 15-13252 (11th Cir. Aug. 16, 2016). Consistent with that order, the present case in its entirety is likewise stayed pending further action by the courts of appeals.

**SO ORDERED**, this 22<sup>ND</sup> day of August, 2016.



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LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA