

**FILED****SEP 28 2018**Clerk, U S District Court  
District Of Montana  
BillingsIN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISIONNATIVE ECOSYSTEM COUNCIL,  
and ALLIANCE FOR THE WILD  
ROCKIES,

Plaintiffs,

vs.

JON RABY, Acting State Director, the  
BUREAU OF LAND  
MANAGEMENT; and the  
DEPARTMENT OF THE INTERIOR,

Defendants.

CV 18-55-BLG-SPW

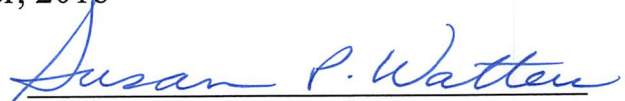
ORDER

Before the Court are Judge Cavan's Findings and Recommendations on Plaintiffs Native Ecosystem Council and Alliance for the Wild Rockies' motion for preliminary injunction (Doc. 9). Plaintiffs objected to the findings and recommendations and Defendants responded to their objections. Notably, in his Findings and Recommendations, Judge Cavan determined that "the only proposed treatment for the Project Area that will likely take place before the Court's decision on the merits is the 263-acre lop-and-scatter project scheduled to begin September 4, 2018." (Doc. 36 at 7). As a result, he restricted his analysis to that treatment. (*See gen.* Doc. 36).

On September 26, 2018, Defendants notified the Court that the lop-and-scatter vegetation treatments on the 263 acres in the Iron Mask Planning Area objected to by Plaintiffs have been completed. (Doc. 40). After carefully reviewing the findings and recommendations and the objections and response, the Court agrees with Judge Cavan that the lop-and-scatter was the only treatment likely to take place before a decision on the merits in this matter and ADOPTS his findings in that regard.

Because that treatment has already occurred, the Court finds that Plaintiffs' grounds for a preliminary injunction are moot. Accordingly, Plaintiffs' motion for preliminary injunction is DENIED.

DATED this 28<sup>th</sup> day of September, 2018

  
SUSAN P. WATTERS  
United States District Judge