

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

William F. Craig, III,
and F. Ragin Craig,

Plaintiffs,

vs.

United States Army Corps of Engineers,
Charleston District; the United States
Environmental Protection Agency; Lt. Gen.
Thomas P. Bostick, in his official capacity as
chief of engineers of the U.S. Army Corps of
Engineers; Lt. Col. John T. Litz, in his official
capacity as district engineer of the U.S. Army
Corps of Engineers, Charleston District; Gina
McCarthy, in her official capacity as
administrator of the U.S. Environmental
Protection Agency; Heather McTeer Toney, in
her official capacity as regional administrator
Region 4 of the U.S. Environmental Protection
Agency; and Robert D. Lesslie,

Defendants.

C/A No. 0:13-cv-01767-JFA

ORDER

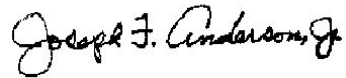
This matter comes before the court on a motion for clarification filed by the United States Army Corps of Engineers, Charleston District; the United States Environmental Protection Agency; Corps officials Lt. Gen. Thomas P. Bostick and Lt. Col. John T. Litz; and EPA officials Gina McCarthy and Heather McTeer Toney¹ (collectively “Federal Defendants”). ECF No. 29. Specifically, Federal Defendants seek clarification on this court’s order, ECF No. 26, denying their motion to dismiss the complaint. *Id.* In the order, the court points out that there can be no claim under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–06, when a valid

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Heather McTeer Toney replaces Acting Administrator A. Stanley Meiburg.

citizen suit has been asserted under the Clean Water Act (“CWA”), 33 U.S.C. § 1251, *et seq.* Because this court found that William F. Craig, III, and F. Ragin Craig (“Plaintiffs”) have a cognizable claim under the CWA citizen-suit provision, 33 U.S.C. § 1365, the court deemed their APA claim as moot.

IT IS SO ORDERED.

February 4, 2014
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge