

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SOUTHERN UTAH WILDERNESS
ALLIANCE and GREAT OLD BROADS
FOR WILDERNESS,

Plaintiffs,

vs.

JUAN PALMA, Director of the Bureau of
Land Management Utah State Office,¹
BUREAU OF LAND MANAGEMENT, and
the UNITED STATES DEPARTMENT OF
THE INTERIOR,

Defendant.

ORDER

AND

MEMORANDUM DECISION

Case No. 2:08-CV-195-TC

Plaintiffs Southern Utah Wilderness Alliance and Great Old Broads for Wilderness (SUWA) seek review under the Administrative Procedures Act of a June 4, 2007 decision made by the Bureau of Land Management denying SUWA's petition to close Arch Canyon Road to motorized vehicle use. While this litigation was pending, BLM agreed to reconsider SUWA's petition after gathering more information and doing a subsequent analysis of the question whether motor-vehicle use of the road was causing "considerable adverse effects." On October 13, 2010, after further data collection and analysis, the BLM issued a new decision again denying

¹Originally, the lead Defendant, Selma Sierra, was named in her official capacity as then-acting Director of the BLM Utah State Office. Because Juan Palma is the new BLM Utah State Director, the court substitutes Mr. Palma for Ms. Sierra under Federal Rule of Civil Procedure 25(d).

SUWA's petition. (See Ex. A to U.S.'s Status Report & Suggestion of Mootness (Docket No. 103).)

Because the BLM's October 13, 2010 decision supercedes the BLM's earlier denial of SUWA's petition, and because a new administrative record now exists to support the government's decision concerning Arch Canyon, SUWA's challenge to the June 4, 2007 decision is moot. See, e.g., Colorado Off Highway Vehicle Coal. v. U.S. Forest Serv., 357 F.3d 1130, 1134-35 (10th Cir. 2004) (holding that challenge to agency decision that had been superceded by new agency decision was moot). Because the case is moot, the court does not have jurisdiction. Id.

ORDER

For the foregoing reasons, the court hereby dismisses the case for lack of jurisdiction.

DATED this 29th day of October, 2010.

BY THE COURT:



TENA CAMPBELL
Chief Judge