

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

SAUK PRAIRIE CONSERVATION ALLIANCE,

Plaintiff,

Civil Action No. 17-cv-35

v.

U.S. DEPARTMENT OF THE INTERIOR,
RYAN ZINKE, *in his official capacity as Secretary of
the United States Department of Interior,*
NATIONAL PARK SERVICE,
MICHAEL REYNOLDS *in his official capacity as
the Director of the National Park Service,*
U.S. GENERAL SERVICES ADMINISTRATION,
AND TIMOTHY O. HORNE, *in his official capacity
as Acting Administrator of the General Services
Administration,*¹

Defendants,

v.

STATE OF WISCONSIN,

Intervenor-Defendant.

PLAINTIFF'S DOCKETING STATEMENT

Plaintiff Sauk Prairie Conservation Alliance (“the Alliance”) submits this Docketing Statement, concurrent with its Notice of Appeal, pursuant to Seventh Circuit Rules 3(c)(1) and 28(a).

1. The United States District Court for the Western District of Wisconsin had jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1361 because the Alliance alleges that Defendants

¹ Pursuant to Fed. R. Civ. P. 25(d), Ryan Zinke and Timothy O. Horne are substituted for their predecessors in office, Sally Jewell and Denise Turner Roth, respectively.

violated the National Environmental Policy Act, 42 U.S.C. §§ 4331 *et seq.*; the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*; and the Federal Property and Administrative Services Act of 1949, 40 U.S.C. § 550. ECF No. 1 at 25–36.

2. The United States Court of Appeals has jurisdiction over this appeal pursuant to 28 U.S.C. § 1292(a)(1) because the Alliance appeals the district court’s denial of its motion for a preliminary injunction.

3. The Notice of Appeal is timely because the Alliance is filing a Notice of Appeal within sixty days of the order appealed from. The district court denied the Alliance’s motion for preliminary injunction on June 26, 2017. ECF No. 32. The Alliance filed a motion for reconsideration on June 26, 2017, ECF No. 33, which the district court denied on June 28, 2017, ECF No. 34. The Alliance is filing a Notice of Appeal on August 7, 2017, concurrent with this Docketing Statement, which is within sixty days of the district court’s orders denying the motion for a preliminary injunction and denying the motion for reconsideration. *See* Fed. R. App. P. 4(a)(1)(B); *Mares v. Busby*, 34 F.3d 533, 535 (7th Cir. 1994) (“If the [reconsideration] motion is served within ten days of the rendition of judgment, the motion falls under Rule 59(e) . . . [which] tolls the time for appeal under Rule 4(a)(4) of the Federal Rules of Appellate Procedure.”).

4. There are no prior or related appellate proceedings in the case.

5. Defendants Secretary of the U.S. Department of the Interior Ryan Zinke, Director of the National Park Service Michael Reynolds, and Acting Administrator of the U.S. General Services Administration Timothy O. Horne are sued in their official capacities. Pursuant to Federal Rule of Civil Procedure 25(d), Ryan Zinke and Timothy O. Horne have been substituted for their predecessors in office, Sally Jewell and Denise Turner Roth, respectively.

DATED: August 7, 2017

s/ Brian H. Potts

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