

713 Fed.Appx. 489

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 6th Cir. Rule 32.1. United States Court of Appeals, Sixth Circuit.

IN RE: UNITED STATES DEPARTMENT OF DEFENSE and United States Environmental Protection Agency Final Rule: Clean Water Rule: Definition of "Waters of the United States," 80 Fed. Reg. 37,054 (June 29, 2015), [Murray Energy Corporation](#), et al., Petitioners,

v.

United States Department of Defense, Department of the Army Corps of Engineers; and United States Environmental Protection Agency, et al., Respondents.

Case Nos. 15-3751, et al.

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BEFORE: [KEITH](#), [McKEAGUE](#) and [GRIFFIN](#), Circuit Judges.

***490 ORDER OF DISMISSAL**

These consolidated actions challenging the validity of the “[Clean Water Rule](#),” 80 Fed. Reg. 37,054 (June 29, 2015), having been transferred to this court by the Judicial Panel on Multi-District Litigation; and

This court having issued its jurisdictional ruling on February 22, 2016, holding that plaintiffs’ challenges are subject to direct review in this court, [817 F.3d 261](#); and

The Supreme Court having granted certiorari and having on January 22, 2018, reversed the majority jurisdictional ruling and remanded the matter to this court with instructions to dismiss for lack of jurisdiction, [Nat’l Ass’n of Mfrs. v. Dep’t of Defense](#), — U.S. —, 138 S.Ct. 617, 199 L.Ed.2d 501 (2018); and

The Supreme Court having issued its final judgment on February 23, 2018; now therefore,

IT IS HEREBY ORDERED that this court’s order of stay dated October 9, 2015, staying the Clean Water Rule nationwide, *see* [In re E.P.A.](#), 803 F.3d 804 (6th Cir. 2009), is **VACATED**; and

***491 IT IS FURTHER ORDERED** that all petitioners’ challenges to the Clean Water Rule consolidated in this action are hereby **DISMISSED** for lack of jurisdiction.

All Citations

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