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Attorneys for Petitioner Western Energy Alliance

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING

WESTERN ENERGY ALLIANCE,)
Petitioner,))
v.) Civil Case No
JOSEPH R. BIDEN, Jr., in his official)
capacity as President of the United States,)
SCOTT DE LA VEGA, in his official capacity as Acting Secretary of the Interior,))
and UNITED STATES BUREAU)
OF LAND MANAGEMENT,)
Respondents.)
	_)

PETITION FOR REVIEW OF GOVERNMENT ACTION

Petitioner Western Energy Alliance submits respectfully this petition for review of government action under Local Civil Rule 83.6. On January 27, 2021, the Secretary of the Interior, acting at the President's direction, suspended indefinitely the federal oil and gas leasing program. The suspension is an unsupported and unnecessary action that is inconsistent with the Secretary's statutory obligations. Because the suspension is both arbitrary and capricious and

contrary to law, the Court should find the suspension invalid and set aside the challenged

government action.

This Court has federal-question jurisdiction under 28 U.S.C. § 1331. Respondent President

Biden is an officer of the United States; Respondent de la Vega is an officer of the United States; the

Bureau of Land Management is an entity of the United States Government. The United States has

waived its sovereign immunity under the APA, 5 U.S.C. § 702.

Submitted respectfully this 27th day of January, 2021,

/s/ L. Poe Leggette

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Case 0:21-cv-000 2 \sqrt{p} \sqrt{p}

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS	a) PLAINTIFFS DEFENDANTS								
Western Energy Alliance			Joseph R. Biden, Jr., Scott De La Vega, and United States Bureau of Land Management						
(b) County of Residence of First Listed Plaintiff			County of Residence of First Listed Defendant						
(EXCEPT IN U.S. PLAINTIFF CASES)				(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.					
(a) Attomorya (Einer Manne	Allows of Talonkov Novelo				OI LAND I	IVVOEVED.			
	Address, and Telephone Number Mark S. Barron, Ale		ht,	Attorneys (If Known)					
	er LLP, 1801 Californ		•						
Denver CO 8020	02 303.861.7805								
II. BASIS OF JURISDICTION (Place an "X" in One Box Only) III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff)									
1 U.S. Government 3 Federal Question			(For Diversity Cases Only) and One Box for Defendant PTF DEF PTF					DEF	
Plaintiff	<u> </u>		Citize	en of This State	1 Incorporated or Principal Place 4 X4 of Business In This State				
x 2 U.S. Government Defendant			Citize	en of Another State	2 Incorporated and Principal Place of Business In Another State 5				5
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VII. REQUESTED IN COMPLAINT:	CHECK IF THIS I UNDER RULE 23	S A CLASS ACTION , F.R.Cv.P.	D	EMAND \$		CHECK YES only in the control of the		n complai No	
VIII. RELATED CASE IF ANY	(See instructions):	JUDGE			DOCI	KET NUMBER			
DATE		SIGNATURE OF ATT	ORNEY C	OF RECORD					
January 27, 2021 /s/ L. Poe Leggette									
FOR OFFICE USE ONLY									
RECEIPT # AM	MOUNT	APPLYING IFP		JUDGE		MAG. JUE	OGE		

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- **III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- **IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. Origin. Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- **VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.