



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

July 9, 2019

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

Re: In re United States, et al., No. 18-505

Dear Mr. Harris:

On October 18, 2018, the government filed in the above-captioned case a petition for a writ of mandamus to the United States District Court for the District of Oregon. In the underlying suit, plaintiffs seek recognition of a new fundamental right to certain climate conditions and an order requiring the Executive Branch to “prepare and implement an enforceable national remedial plan to phase out fossil fuel emissions and draw down excess atmospheric CO₂,” Am. Compl. 94, to be monitored and enforced by the district court. When the government filed its mandamus petition, the district court had denied the government’s dispositive motions and declined to certify its rulings for interlocutory appeal under 28 U.S.C. 1292(b). The case was on the eve of a ten-week trial. In the mandamus petition, the government asked this Court to order the district court to dismiss this suit.

During briefing on the government’s mandamus petition in this Court, the district court granted the government’s motion for reconsideration and certified for interlocutory appeal its orders denying the government’s dispositive motions. D. Ct. Doc. 444, at 6 (Nov. 21, 2018). The court further stayed the case “pending a decision by the Ninth Circuit.” *Ibid.* In a November 23 letter, the government informed this Court that, if the Ninth Circuit permitted interlocutory appeal, the government expected to seek dismissal of its mandamus petition in this Court. Since that time, the Ninth Circuit has granted the government permission to appeal, 18-80176 C.A. Doc. 8-1, at 3 (Dec. 26, 2018), and recently heard oral argument in the case. Accordingly, the government now respectfully requests to withdraw its mandamus petition to this Court.

Sincerely,

Noel J. Francisco
Solicitor General

cc: See Attached Service List

18-0505

IN RE UNITED STATES OF AMERICA, ET AL.

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