

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SIERRA CLUB; SOUTHERN BORDER
COMMUNITIES COALITION,
Plaintiffs-Appellees,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United
States; LLOYD J. AUSTIN III, in his
official capacity as Secretary of
Defense; ALEJANDRO MAYORKAS, in
his official capacity as Secretary of
Homeland Security; JANET YELLEN,
in her official capacity as Secretary
of the Treasury,
Defendants-Appellants.

No. 19-17501

D.C. No.
4:19-cv-00892-
HSG

STATE OF CALIFORNIA; STATE OF
COLORADO; STATE OF
CONNECTICUT; STATE OF
DELAWARE; STATE OF HAWAII;
STATE OF MAINE; STATE OF
MINNESOTA; STATE OF NEW JERSEY;
STATE OF NEW MEXICO; STATE OF
NEVADA; STATE OF NEW YORK;
STATE OF OREGON;
COMMONWEALTH OF VIRGINIA;

No. 19-17502

D.C. No.
4:19-cv-00872-
HSG

STATE OF ILLINOIS; STATE OF
MARYLAND; DANA NESSEL,
Attorney General, on Behalf of the
People of Michigan; STATE OF
WISCONSIN; STATE OF
MASSACHUSETTS; STATE OF
VERMONT; STATE OF RHODE ISLAND,
Plaintiffs-Appellees,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United
States of America; UNITED STATES
OF AMERICA; UNITED STATES
DEPARTMENT OF DEFENSE; LLOYD J.
AUSTIN III, in his official capacity as
Secretary of Defense; CHRISTINE
WORMUTH, in her official capacity
as the Secretary of the Army;
CARLOS DEL TORO, in his official
capacity as Secretary of the Navy;
FRANK KENDALL, in his official
capacity as Secretary of the Air
Force; UNITED STATES DEPARTMENT
OF THE TREASURY; JANET YELLEN,
in her official capacity as Secretary
of the Department of the Treasury;
U.S. DEPARTMENT OF THE INTERIOR;
DEB HAALAND, in her official
capacity as Secretary of the Interior;
U.S. DEPARTMENT OF HOMELAND
SECURITY; ALEJANDRO MAYORKAS,

in his official capacity as Secretary
of Homeland Security,
Defendants-Appellants.

STATE OF CALIFORNIA; STATE OF
COLORADO; STATE OF HAWAII;
STATE OF MARYLAND; STATE OF
NEW YORK; STATE OF NEW MEXICO;
STATE OF OREGON;
COMMONWEALTH OF VIRGINIA;
STATE OF WISCONSIN,
Plaintiffs-Appellants,

and

STATE OF CONNECTICUT; STATE OF
DELAWARE; STATE OF MAINE;
STATE OF MINNESOTA; STATE OF
NEW JERSEY; STATE OF NEVADA;
STATE OF ILLINOIS; DANA NESSEL,
Attorney General, on behalf of the
People of Michigan; STATE OF
MASSACHUSETTS; STATE OF
VERMONT; STATE OF RHODE ISLAND,
Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United
States of America; UNITED STATES
OF AMERICA; UNITED STATES

No. 20-15044

D.C. No.
4:19-cv-00872-
HSG

ORDER

DEPARTMENT OF DEFENSE; LLOYD J. AUSTIN III, in his official capacity as Secretary of Defense; CHRISTINE WORMUTH, in her official capacity as the Secretary of the Army; CARLOS DEL TORO, in his official capacity as Secretary of the Navy; FRANK KENDALL, in his official capacity as Secretary of the Air Force; UNITED STATES DEPARTMENT OF THE TREASURY; JANET YELLEN, in her official capacity as Secretary of the Department of the Treasury; U.S. DEPARTMENT OF THE INTERIOR; DEB HAALAND, in her official capacity as Secretary of the Interior; U.S. DEPARTMENT OF HOMELAND SECURITY; ALEJANDRO MAYORKAS, in his official capacity as Secretary of Homeland Security,

Defendants-Appellees.

SIERRA CLUB V. BIDEN

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On Remand from the United States Supreme Court

Filed November 22, 2021

Before: Sidney R. Thomas, Chief Judge, and Kim McLane
Wardlaw and Daniel P. Collins, Circuit Judges.

ORDER

The Supreme Court vacated the judgment and has remanded this case to this Court, with instructions to remand and direct the District Court to vacate its judgments. Therefore, we remand this case to the District Court with instructions to vacate its judgments and to consider whether further proceedings are necessary in light of the changed circumstances in the case.