

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 20-cv-01461-WJM-NRN

THE STATE OF COLORADO,

Plaintiff,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY;  
ANDREW WHEELER, in his official capacity as Administrator of the U.S. Environmental  
Protection Agency;  
U.S. ARMY CORPS OF ENGINEERS; and  
R.D. JAMES, in his official capacity as Assistant Secretary of the Army for Civil Works,

Defendants.

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NOTICE OF APPEAL

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Notice is hereby given that the Defendants in the above-captioned case appeal to the U.S. Court of Appeals for the Tenth Circuit from the Court's Order granting Plaintiff's Amended Motion for Preliminary Injunction, construed as a motion for a stay of agency action under APA § 705 (Dkt. No. 61), dated June 19, 2020.

Dated: June 23, 2020

Respectfully submitted,

JONATHAN D. BRIGHTBILL  
Principal Deputy Assistant Attorney General  
Environment and Natural Resources Division

s/ Phillip R. Dupré  
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U.S. Department of Justice

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23d day of June, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

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I hereby certify that I have mailed or served the foregoing document or paper to the following non-CM/ECF participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

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*s/ Phillip R. Dupré*  
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