

FILED

UNITED STATES COURT OF APPEALS

OCT 28 2013

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ROBERT SIMPSON,

Petitioner,

v.

CITY OF PALMDALE,

Intervenor,

and

U.S. ENVIRONMENTAL PROTECTION
AGENCY; et al.,

Respondents.

No. 12-74124

EPA No. FRL-9743-4

ORDER

Before: THOMAS, McKEOWN, and RAWLINSON, Circuit Judges.

Intervenor's motion to dismiss this petition for review based on a written, signed settlement agreement that required the voluntary dismissal of this petition is granted. Petitioner does not deny that he has received and accepted the \$50,000 paid to his account, and he has failed to demonstrate that any final sale of the project has occurred. Thus his assertion that he was misled or that intervenor

lacked the authority to enter into and execute the settlement agreement is without any basis.

This dismissal is without prejudice to the filing or prosecution of any appropriate proceeding in the district court pursuant to the settlement agreement's terms. All other pending motions are denied.

DISMISSED.