

**FILED**

UNITED STATES COURT OF APPEALS

JUN 06 2013

FOR THE NINTH CIRCUIT

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

PEABODY WESTERN COAL  
COMPANY,

No. 12-73395

Petitioner,

ORDER

NAVAJO NATION,

Intervenor,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

Petitioner's motion for voluntary dismissal of this case is granted. This case is dismissed pursuant to Federal Rule of Appellate Procedure 42(b).

A copy of this order sent to the agency shall act as and for the mandate of this court.

Petitioner is informed that this court does not address the issue of cost unless it is stipulated in writing by both parties.

For the Court:

MOLLY C. DWYER  
Clerk of the Court  
Linda K. King, Deputy Clerk  
Ninth Cir. R. 27-7/Advisory Note to Rule 27  
and Ninth Circuit Rule 27-10