

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-1423**September Term, 2012****EPA-77FR50686****Filed On: March 12, 2013**

Peabody Western Coal Company,

Petitioner

v.

Environmental Protection Agency,

Respondent

BEFORE: Henderson, Griffith, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of the motion to dismiss, the opposition thereto, and reply, it is

ORDERED that the petition for review be dismissed. Under the Clean Air Act, venue over petitions seeking review of actions by the Environmental Protection Agency that are locally or regionally applicable lies in the appropriate regional circuit. 42 U.S.C. § 7607(b)(1). The action which petitioner challenges is a determination regarding a specific facility operated by the Peabody Western Coal Company in Black Mesa Complex, Arizona. Thus, venue is appropriate only in the Ninth Circuit.

This court expresses no opinion on the standing issues raised in the motion to dismiss.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam