

FILED

UNITED STATES COURT OF APPEALS

MAR 09 2011

FOR THE NINTH CIRCUIT

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

CHABOT-LAS POSITAS COMMUNITY
COLLEGE DISTRICT,

No. 10-73870

Petitioner,

v.

ORDER

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and LISA P.
JACKSON, Administrator, Environmental
Protection Agency,

Respondents,

RUSSELL CITY ENERGY COMPANY,
LLC,

Respondent-Intervenor.

ROBERT JAMES SIMPSON and
ROBERT SARVEY,

No. 11-70196

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and LISA
JACKSON,

Respondents,

RUSSELL CITY ENERGY COMPANY,
LLC,

Respondent-Intervenor.

Pursuant to the stipulated motion of the parties, appeal no. 11-70196 is voluntarily dismissed. Fed. R. App. P. 42(b). The parties shall bear their own costs and fees on the above-referenced appeal.

The assessment conference scheduled for March 22, 2011 shall go forward as to appeal no. 10-73870 only.

This order served on the agency shall act as and for the mandate of this court.

FOR THE COURT:

By: Peter W. Sherwood
Circuit Mediator

pws/mediation