

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 16-5259****September Term, 2016****1:16-cv-01534-JEB****Filed On:** January 18, 2017

Standing Rock Sioux Tribe,

Appellant

Cheyenne River Sioux Tribe,

Appellee

v.

United States Army Corps of Engineers and  
Dakota Access LLC,

Appellees

**BEFORE:** Henderson, Brown, and Pillard, Circuit Judges**ORDER**

Upon consideration of the motion to dismiss as moot or for summary affirmance, the responses thereto, and the reply, and the motion to intervene, it is

**ORDERED** that the motion to intervene be denied. Movant-intervenor failed to file a timely motion for leave to intervene in the district court and has not presented “an exceptional case involving imperative reasons” justifying intervention for the first time on appeal. Amalgamated Transit Union Int’l, AFL-CIO v. Donovan, 771 F.2d 1551, 1552 (D.C. Cir. 1985) (per curiam). It is

**FURTHER ORDERED** that the motion to dismiss be granted. See Spirit of the Sage Council v. Norton, 411 F.3d 225, 229 (D.C. Cir. 2005). It is

**FURTHER ORDERED** that the case be remanded to the district court with instructions to consider the appellant’s request for vacatur as a motion for relief from an order pursuant to Fed. R. Civ. P. 60(b). See U.S. Bancorp Mortg. Co. v. Bonner Mall Partnership, 513 U.S. 18, 29 (1994).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to issue the mandate forthwith to the district court.

**Per Curiam**