

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 25, 2023

No. 23-30666

Lyle W. Cayce
Clerk

STATE OF LOUISIANA; AMERICAN PETROLEUM INSTITUTE;
CHEVRON USA, INCORPORATED,

Plaintiffs—Appellees,

versus

DEB HAALAND, *in her official capacity as Principal Deputy Assistant Secretary of the Interior for Land & Minerals Management*; LAURA DANIEL-DAVIS, *in her official capacity as Principal Deputy Assistant Secretary of the Interior for Land & Minerals Management*; ELIZABETH KLEIN, *in her official capacity as Director of Bureau of Ocean Energy Management*; JAMES KENDALL, *in his official capacity as Regional Director of Bureau of Ocean Energy Management Gulf of Mexico Office*; UNITED STATES DEPARTMENT OF INTERIOR; BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION and ENFORCEMENT,

Defendants—Appellants,

SIERRA CLUB; CENTER FOR BIOLOGICAL DIVERSITY; FRIENDS OF THE EARTH; TURTLE ISLAND RESTORATION NETWORK,

Intervenors—Appellants,

SHELL OFFSHORE, INCORPORATED

Plaintiff—Appellee,

versus

UNITED STATES DEPARTMENT OF INTERIOR; BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION and ENFORCEMENT; DEB HAALAND, *in her official capacity as Secretary of the Interior*; LAURA DANIEL-DAVIS, *in her official capacity as Principal Deputy Assistant Secretary of the Interior for Land and Minerals Management*; ELIZABETH KLEIN, *in her official capacity as Director of the Bureau of Ocean Energy Management*; JAMES KENDALL, *in his official capacity as Director of the Gulf of Mexico Regional Office of the Bureau of Ocean Energy Management*,

Defendants—Appellants,

SIERRA CLUB; CENTER FOR BIOLOGICAL DIVERSITY; FRIENDS OF THE EARTH; TURTLE ISLAND RESTORATION NETWORK,

Intervenors—Appellants.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:23-CV-1157
USDC No. 2:23-CV-1167

UNPUBLISHED ORDER

Before SMITH, SOUTHWICK, and WILSON, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that appellants' opposed motion for partial stay pending appeal is GRANTED in part. The preliminary injunction that was entered by the Memorandum Order of September 21, 2023, is hereby AMENDED only in that the sale that was set for September 27, 2023, is

ORDERED to take place by November 8, 2023. No extension will be granted. That is to say: Insofar as the preliminary injunction is concerned, the final paragraph of the Memorandum Order remains in effect, pending appeal of the preliminary injunction, with the exception that “September 30, 2023,” is changed to “November 8, 2023.”

IT IS FURTHER ORDERED that appellants’ alternative opposed motion for partial administrative stay is DENIED as moot.

IT IS FURTHER ORDERED that intervenors’ opposed motion for stay pending appeal is DENIED.

IT IS FURTHER ORDERED that appellants’ unopposed motion to file in excess of the word count limitation for the motion for stay pending appeal is GRANTED.

This is only a ruling that, pending this appeal of the preliminary injunction, a stay of the injunction is DENIED except to change the date by which Lease Sale 261 is to occur. This ruling by an administrative panel is subject to review once the appeal of the preliminary injunction is submitted to a merits panel of this court. The Bureau of Ocean Energy Management and any other affected federal entities and actors are hereby AUTHORIZED and DIRECTED to take the necessary actions to implement this order.