

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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Suite 115  
NEW ORLEANS, LA 70130

July 31, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-60351 Denka Performance Elastomer v. EPA  
Agency No. 40 CFR Parts 60 and 63

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Monica R. Washington, Deputy Clerk  
504-310-7705

Mr. Brandon N. Adkins  
Mr. Jorge Benjamin Aguinaga  
Mr. Jeffrey L. Oldham  
Mr. Jeffrey Prieto  
Mr. Alexander M. Purpuro  
Mr. Michael S. Regan  
Ms. Kelsey LeeAnn Smith  
Mr. David A. Super

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 31, 2024

Lyle W. Cayce  
Clerk

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No. 24-60351

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DENKA PERFORMANCE ELASTOMER, L.L.C.,

*Petitioner,*

STATE OF LOUISIANA; LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

*Intervenors,*

*versus*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;  
MICHAEL REGAN, *Administrator, United States Environmental Protection  
Agency,*

*Respondents.*

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Petition for Review from an Order of the  
Environmental Protection Agency  
Agency No. 40 CFR Parts 60 and 63

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UNPUBLISHED ORDER

Before SMITH, GRAVES, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Petitioner's motion for stay pending appeal  
is GRANTED.

IT IS FURTHER ORDERED that Respondents' motion to dismiss petition for lack of jurisdiction is DENIED.<sup>1</sup>

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<sup>1</sup>Judge Graves would grant Respondents' motion to dismiss petition for lack of jurisdiction.