



IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

A True Copy
Certified Apr 02, 2019

Judy W. Cuyca
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 14-31008

MARKLE INTERESTS, L.L.C.; P&F LUMBER COMPANY 2000, L.L.C.; PF
MONROE PROPERTIES, L.L.C.,

Plaintiffs - Appellants

v.

UNITED STATES FISH AND WILDLIFE SERVICE; DANIEL M. ASHE,
Director of United States Fish & Wildlife Service, in his official capacity;
UNITED STATES DEPARTMENT OF INTERIOR; SALLY JEWELL, in her
official capacity as Secretary of the Department of Interior,

Defendants - Appellees

CENTER FOR BIOLOGICAL DIVERSITY; GULF RESTORATION
NETWORK,

Intervenor Defendants - Appellees

Cons/w 14-31021
WEYERHAEUSER COMPANY,

Plaintiff - Appellant

v.

UNITED STATES FISH AND WILDLIFE SERVICE; DANIEL M. ASHE,
Director of United States Fish & Wildlife Service, in his official capacity;
SALLY JEWELL, in her official capacity as Secretary of the Department of
Interior,

Defendants - Appellees

CENTER FOR BIOLOGICAL DIVERSITY; GULF RESTORATION
NETWORK,

Intervenor Defendants - Appellees

Appeals from the United States District Court
for the Eastern District of Louisiana

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, OWEN, and HIGGINSON, Circuit Judges.

PER CURIAM:

On June 30, 2016, in a divided opinion, we affirmed the district court’s grant of summary judgment to appellee United States Fish and Wildlife Service in this lawsuit challenging the Service’s designation of land in St. Tammany Parish as “critical habitat” for the dusky gopher frog under the Endangered Species Act. *Markle Interests, L.L.C. v. United States Fish & Wildlife Serv.*, 827 F.3d 452 (5th Cir. 2016). The Supreme Court granted certiorari and vacated our judgment on November 27, 2018. *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 139 S. Ct. 361 (2018). In light of the Supreme Court’s order, we REMAND to the district court for further proceedings, including any determination as to the appropriateness of a remand to Fish and Wildlife Service.

United States Court of Appeals

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

**LYLE W. CAYCE
CLERK**

**TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130**

April 02, 2019

Mr. William W. Blevins
U.S. District Court, Eastern District of Louisiana
500 Poydras Street
Room C-151
New Orleans, LA 70130

No. 14-31008 & 14-31021 Markle Interests, L.L.C., et al **v.**
U.S. Fish and Wildlife Service, et al
USDC No. 2:13-CV-234
USDC No. 2:13-CV-362
USDC No. 2:13-CV-413
USDC No. 2:13-CV-234

Dear Mr. Blevins,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Nancy F. Dolly, Deputy Clerk
504-310-7683

cc w/encl:

Ms. Collette Lucille Adkins
Mr. Brian Michael Ballay
Mr. Timothy S. Bishop
Mr. Andrew Lynn Brasher
Mr. John Buse
Mr. Dominik Joseph Cvitanovic
Mr. Jed Wolf Glickstein
Mr. John David Gunter II
Mr. Luther Langon Hajek
Ms. Mary Elisabeth Hollingsworth
Mr. Tyson Kade
Mr. Paul Korman
Mr. Brett E. Legner

Mr. Mark Miller
Mr. Matthew James Paul
Mr. Edward B. Poitevent II
Mr. Damien M. Schiff
Mr. Richard C. Stanley