

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

STATE OF NORTH CAROLNA)
Plaintiff,)
v.)
GINA M. RAIMONDO, U.S. Secretary of)
Commerce, in her official capacity;)
RICHARD W. SPINRAD, Under Secretary)
of Commerce for Oceans and Atmosphere,)
in his official capacity; and the NATIONAL)
OCEANIC AND ATMOSPHERIC)
ADMINISTRATION)
Defendant.)

JUDGMENT

No. 2:20-CV-59-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of defendants' motion to dismiss for lack of jurisdiction and plaintiff's motion to vacate agency decision.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 20, 2021, and for the reasons set forth more specifically therein, defendants' motion to dismiss is **GRANTED IN PART** and **DENIED IN PART**, and plaintiff's motion to vacate is **GRANTED**. Defendants' motion is denied in that part seeking dismissal for lack of standing, and it is granted in that part seeking dismissal on the basis of mootness. This action is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction. Defendants' decision, as defined herein, is **VACATED**.

This Judgment Filed and Entered on September 20, 2021, and Copies To:

Mary L. Lucasse / Marc D. Bernstein (via CM/ECF Notice of Electronic Filing)
Kristofor R. Swanson (via CM/ECF Notice of Electronic Filing)

September 20, 2021

PETER A. MOORE, JR., CLERK

/s/ Sandra K. Collins
(By) Sandra K. Collins, Deputy Clerk