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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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CENTER FOR BIOLOGICAL)
DIVERSITY,)
)
Plaintiff,)
v.)
)
S.M.R. JEWELL, ¹ in her official capacity as)
Secretary of the Interior, UNITED STATES)
FISH AND WILDLIFE SERVICE,)
)
Defendants.)
)
)
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No. 4:13-cv-00210-CRP

**STIPULATED VOLUNTARY
DISMISSAL OF ALL CLAIMS
WITHOUT A COURT ORDER
PURSUANT TO F.R.C.P. 41(a)(1)(A)**

¹ S.M.R. Jewell replaces Kenneth Salazar per F.R.C.P. 25(d).

Plaintiff, the Center for Biological Diversity, and the Federal Defendants, S.M.R. Jewell, in her official capacity as Secretary of the Interior, and the United States Fish and Wildlife Service (“FWS”), by and through their undersigned counsel, state as follows:

WHEREAS, on March 28, 2013, Plaintiff brought suit against the Federal Defendants, alleging that FWS violated: (i) Section 10(a)(1)(A) of the Endangered Species Act (“ESA”) by improperly issuing a permit (“Permit TE-091551-7”) that authorized the capture and translocation or indefinite captivity of endangered wolves; (ii) Section 10(c) of the ESA by failing to provide adequate notice of the application for Permit TE-091551-7 in the Federal Register; (iii) Section 7(a)(2) of the ESA by failing to prepare a biological opinion that ensures that the issuance of Permit TE-091551-7 was not likely to jeopardize the continued existence of the Mexican wolf; and (iv) the National Environmental Policy Act (“NEPA”) by failing to conduct any NEPA review before approving Permit TE-091551-7;

WHEREAS, on April 4, 2013, FWS rescinded Permit TE-091551-7;

WHEREAS, on April 4, 2013, FWS issued a new permit (“Permit TE-091551-8”), which supersedes Permit TE-091551-7;

WHEREAS, FWS acknowledges that any removal of a Mexican wolf by FWS is constrained by Permit TE-091551-8 and 63 Fed. Reg. 1752 (Jan. 12, 1998) (“the 1998 10(j) Rule”), which provides that “[i]f a wolf is found in the United States outside the boundaries of the Mexican Wolf Experimental Population Area (and not within any other wolf experimental population area) the Service will presume it to be of wild origin with full endangered status ... under the Act, unless evidence, such as a radio collar, identification mark, or physical or behavioral traits ... establishes otherwise.”

WHEREAS, this Stipulated Voluntary Dismissal of All Claims Without a Court Order is submitted, pursuant to Fed. R. Civ. P. 41(a)(1)(A), before the Federal Defendants have filed either an answer or a motion for summary judgment and is signed by all parties who have appeared;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES, AS FOLLOWS:

1. Plaintiff's First, Second and Fourth Claims for Relief are hereby dismissed with prejudice.
2. Plaintiff's Third Claim for Relief is hereby dismissed without prejudice.
3. The parties shall bear their own fees and costs in connection with this action.

Dated: August 26, 2013

Respectfully submitted,

ROBERT G. DREHER,
Assistant Attorney General
Environment & Natural Resources Division
KRISTEN L. GUSTAFSON, Assistant Chief

/s/ Erik E. Petersen
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Attorneys for the Plaintiff
CENTER FOR BIOLOGICAL
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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2013, I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which will send notification of such to the attorneys of record.

Erik E. Petersen
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