

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 15 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FRIENDS OF ALASKA NATIONAL
WILDLIFE REFUGES; et al.,

Plaintiffs-Appellees,

v.

DEB HAALAND, in her official capacity as
Secretary of the U.S. Department of the
Interior; et al.,

Defendants-Appellants,

and

KING COVE CORPORATION; et al.,

Intervenor-Defendants.

No. 20-35721

D.C. No. 3:19-cv-00216-JWS
District of Alaska,
Anchorage

ORDER

FRIENDS OF ALASKA NATIONAL
WILDLIFE REFUGES; et al.,

Plaintiffs-Appellees,

v.

DEB HAALAND, in her official capacity as
Secretary of the U.S. Department of the
Interior; et al.,

Defendants,

STATE OF ALASKA,

No. 20-35727

D.C. No. 3:19-cv-00216-JWS

Intervenor-Defendant,

and

KING COVE CORPORATION; et al.,

Intervenor-Defendants-
Appellants.

FRIENDS OF ALASKA NATIONAL
WILDLIFE REFUGES; et al.,

Plaintiffs-Appellees,

v.

DEB HAALAND, in her official capacity as
Secretary of the U.S. Department of the
Interior; et al.,

Defendants,

KING COVE CORPORATION; et al.,

Intervenor-Defendants,

and

STATE OF ALASKA,

Intervenor-Defendant-
Appellant.

No. 20-35728

D.C. No. 3:19-cv-00216-JWS

MURGUIA, Chief Circuit Judge:

Several environmental organizations sued the Secretary of the Interior, seeking to vacate a 2019 land-exchange agreement between the Secretary and the

King Cove Alaska Native Corporation; and the King Cove Corporation and the State of Alaska intervened to defend the agreement. The district court granted plaintiffs' motion for summary judgment and vacated the agreement, but a divided three-judge panel of our court reversed. *Friends of Alaska Nat'l Wildlife Refuges v. Haaland*, 29 F.4th 432 (9th Cir. 2022). We granted rehearing en banc, 54 F.4th 608 (9th Cir. 2022), and heard oral argument on December 13, 2022.

In March 2023, the Secretary issued a decision memorandum withdrawing from the agreement and moved to dismiss this appeal as moot. The King Cove Corporation subsequently moved to enjoin the Secretary from implementing her withdrawal from the agreement. Because the Secretary's withdrawal from the agreement makes it "impossible for [this] court to grant [plaintiffs] any effectual relief whatever," *Mission Prod. Holdings, Inc. v. Tempnology, LLC*, 139 S. Ct. 1652, 1660 (2019) (quoting *Chafin v. Chafin*, 568 U.S. 165, 172 (2013)), the government's motion to dismiss this case as moot (Doc. 144) is GRANTED. The King Cove Corporation's motion for an injunction (Doc. 153) is DENIED. The appeal is DISMISSED with prejudice, each party to bear its own costs. The district court's June 1, 2020, judgment and decision, reported at 463 F. Supp. 3d 1011 (D. Alaska 2020), is VACATED. See *United States v. Munsingwear, Inc.*, 340 U.S. 36, 38–40 (1950).

A copy of this order shall constitute as the mandate of this court.