

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 25, 2023

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No. 23-30666

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Lyle W. Cayce  
Clerk

STATE OF LOUISIANA; AMERICAN PETROLEUM INSTITUTE;  
CHEVRON USA, INCORPORATED,

*Plaintiffs—Appellees,*

*versus*

DEB HAALAND, *in her official capacity as Principal Deputy Assistant Secretary of the Interior for Land & Minerals Management*; LAURA DANIEL-DAVIS, *in her official capacity as Principal Deputy Assistant Secretary of the Interior for Land & Minerals Management*; ELIZABETH KLEIN, *in her official capacity as Director of Bureau of Ocean Energy Management*; JAMES KENDALL, *in his official capacity as Regional Director of Bureau of Ocean Energy Management Gulf of Mexico Office*; UNITED STATES DEPARTMENT OF INTERIOR; BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION and ENFORCEMENT,

*Defendants—Appellants,*

SIERRA CLUB; CENTER FOR BIOLOGICAL DIVERSITY; FRIENDS OF THE EARTH; TURTLE ISLAND RESTORATION NETWORK,

*Intervenors—Appellants,*

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SHELL OFFSHORE, INCORPORATED

*Plaintiff—Appellee,*

*versus*

UNITED STATES DEPARTMENT OF INTERIOR; BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION and ENFORCEMENT; DEB HAALAND, *in her official capacity as Secretary of the Interior*; LAURA DANIEL-DAVIS, *in her official capacity as Principal Deputy Assistant Secretary of the Interior for Land and Minerals Management*; ELIZABETH KLEIN, *in her official capacity as Director of the Bureau of Ocean Energy Management*; JAMES KENDALL, *in his official capacity as Director of the Gulf of Mexico Regional Office of the Bureau of Ocean Energy Management*,

*Defendants—Appellants,*

SIERRA CLUB; CENTER FOR BIOLOGICAL DIVERSITY; FRIENDS OF THE EARTH; TURTLE ISLAND RESTORATION NETWORK,

*Intervenors—Appellants.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:23-CV-1157  
USDC No. 2:23-CV-1167

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UNPUBLISHED ORDER

Before SMITH, SOUTHWICK, and WILSON, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that appellants' opposed motion for partial stay pending appeal is GRANTED in part. The preliminary injunction that was entered by the Memorandum Order of September 21, 2023, is hereby AMENDED only in that the sale that was set for September 27, 2023, is

ORDERED to take place by November 8, 2023. No extension will be granted. That is to say: Insofar as the preliminary injunction is concerned, the final paragraph of the Memorandum Order remains in effect, pending appeal of the preliminary injunction, with the exception that “September 30, 2023,” is changed to “November 8, 2023.”

IT IS FURTHER ORDERED that appellants’ alternative opposed motion for partial administrative stay is DENIED as moot.

IT IS FURTHER ORDERED that intervenors’ opposed motion for stay pending appeal is DENIED.

IT IS FURTHER ORDERED that appellants’ unopposed motion to file in excess of the word count limitation for the motion for stay pending appeal is GRANTED.

This is only a ruling that, pending this appeal of the preliminary injunction, a stay of the injunction is DENIED except to change the date by which Lease Sale 261 is to occur. This ruling by an administrative panel is subject to review once the appeal of the preliminary injunction is submitted to a merits panel of this court. The Bureau of Ocean Energy Management and any other affected federal entities and actors are hereby AUTHORIZED and DIRECTED to take the necessary actions to implement this order.

***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

September 25, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-30666 State of Louisiana v. Haaland  
USDC No. 2:23-CV-1157  
USDC No. 2:23-CV-1167

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Christina Rachal*

By: \_\_\_\_\_  
Christina C. Rachal, Deputy Clerk  
504-310-7651

Ms. Kelly Brechtel Becker  
Mr. Andrew Marshall Bernie  
Mr. Paul D. Clement  
Mr. Christopher D. Eaton  
Mr. Bradley Keith Ervin  
Mr. Luther Langon Hajek  
Ms. Brettny E. Hardy  
Mr. James Aristide Holmes  
Mr. Nikesh Jindal  
Ms. Claire Elizabeth Juneau  
Mr. Andrew Lawrence  
Ms. Elizabeth Grace Livingston de Calderon  
Mr. Sean Michael Marotta  
Mr. Stephen D. Mashuda  
Mr. Michael James Mazzone  
Ms. Michelle Melton  
Mr. Tony R. Moore  
Ms. Elizabeth Baker Murrill  
Ms. Dana A. Raphael  
Mr. Jordan B. Redmon  
Ms. Alexis Romero  
Ms. Catherine Emily Stetson  
Mr. James Xi