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10 *Attorneys for Plaintiff*

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**  
13 **TUCSON DIVISION**

14 Center for Biological Diversity;  
15 Plaintiff,

16 vs.

17 Doug Burgum, in his official capacity  
as Secretary of the U.S. Department of  
18 the Interior; and the U.S. Fish and  
Wildlife Service;

19 Defendants.  
20

Case No.

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

21 **INTRODUCTION**

22 1. Plaintiff Center for Biological Diversity (“the Center”) challenges the  
23 Secretary of the Interior Doug Burgum and the U.S. Fish and Wildlife Service’s  
24 (collectively “the Service” or “Defendants”) failure to comply with the nondiscretionary  
25 deadlines set forth in the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531–1544, for  
26 publishing a final determination on the proposed endangered listing of the blue tree  
27 monitor lizard (*Varanus macraei*) from December 26, 2024, within one year of that  
28

1 proposal, 16 U.S.C. § 1533(b)(6)(A). By failing to fulfill this statutory mandate, the  
2 Service is in violation of the ESA.

3 2. The blue tree monitor lizard is gravely imperiled. Native to a single island  
4 and surrounding islets in Indonesia and considered naturally rare, this striking, blue-hued  
5 lizard is threatened by the U.S. pet trade and destruction of its rainforest habitat. The  
6 International Union for Conservation of Nature assessed the blue tree monitor lizard as  
7 endangered in 2017, fewer than 20 years after the lizard was first described by science.

8 3. The United States is the world’s biggest importer of blue tree monitor  
9 lizards for the pet trade and is the major driver of the market.

10 4. Recognizing the serious threats blue tree monitor lizards face, on April 15,  
11 2022, the Center petitioned Defendants to list the species as endangered under the ESA  
12 and requested an emergency listing of the species. If listed as endangered, the ESA would  
13 ban the import, export, and sale of blue tree monitor lizards in the United States, reining  
14 in the pet trade and giving this imperiled lizard a chance for recovery.

15 5. The Service found the Center’s petition to list the blue tree monitor lizard  
16 “may be warranted” on August 17, 2023, 88 Fed. Reg. 55,991 (Aug. 17, 2023), and  
17 issued an emergency listing rule on December 26, 2024, 89 Fed. Reg. 104,891 (Dec. 26,  
18 2024). In so doing the agency found the species to be “immediately susceptible to  
19 extinction” and that exploitation to meet pet trade demands “may soon lead to the  
20 extirpation of the species.” 89 Fed. Reg. at 104,893. The emergency listing expired on  
21 August 25, 2025.

22 6. The Service also proposed to list the blue tree monitor lizard as endangered  
23 on December 26, 2024. 89 Fed. Reg. 104,952 (Dec. 26, 2024). The ESA requires the  
24 Service to make a final determination within one year of publishing a proposed rule. 16  
25 U.S.C. § 1533(b)(6)(A)(i).

26 7. More than a year has passed without Defendants issuing a final  
27 determination on the proposed endangered listing, which means the blue tree monitor  
28 lizard has been forced to go without the protection the Service determined it requires and

1 deserves to avoid extinction. Consequently, the Service has been and continues to be in  
2 violation of the ESA, depriving this endangered species of vital protections. Compliance  
3 with the ESA’s mandatory deadline is necessary to ensure the continued survival of the  
4 blue tree monitor lizard. Through this Complaint, Plaintiff seeks a declaratory judgment  
5 and injunctive relief to compel the Service to issue a final determination by a date certain,  
6 as well as fees and costs associated with this litigation.

7 **JURISDICTION AND VENUE**

8 8. This Court has subject matter jurisdiction over this action pursuant to 16  
9 U.S.C. § 1540(c) and (g)(1)(C) (actions arising under the ESA) and 28 U.S.C. § 1331  
10 (actions arising under the laws of the United States). This action is brought under the  
11 ESA, 16 U.S.C. §§ 1531–1544, and the requested relief is authorized under 16 U.S.C.  
12 § 1540(g) (ESA), 28 U.S.C. § 2201 (declaratory relief), 28 U.S.C. § 2202 (injunctive  
13 relief), and the Court’s equitable powers.

14 9. The ESA provides a waiver of the federal government’s sovereign  
15 immunity. 16 U.S.C. § 1540(g).

16 10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(c) and (e)  
17 because Plaintiff resides in and has its principal place of business in this judicial district.

18 11. Assignment of this case to the Tucson Division of this Court is appropriate  
19 because Plaintiff has its principal place of business in Pima County. Local Rule 77.1(a),  
20 (c).

21 **PARTIES**

22 **Plaintiff**

23 12. Plaintiff Center for Biological Diversity (“the Center”) is a 501(c)(3)  
24 nonprofit corporation incorporated in the State of California. The Center maintains  
25 offices across the country, including in Washington, DC; California; Arizona; and  
26 Oregon; and in Baja California Sur, Mexico, with its headquarters located in Tucson,  
27 Arizona. The Center works through science and environmental law to advocate for the  
28 protection of endangered, threatened, and rare species and their habitats. The Center’s

1 International Program works to protect global biodiversity by using U.S. and  
2 international law to protect imperiled species wherever they are found around the globe.  
3 In pursuit of its mission, the Center has been actively involved in seeking and securing  
4 protections for species abroad, including blue tree monitors and other lizards, fish, frogs,  
5 and turtles in the pet trade. The Center has more than 101,000 active members and  
6 approximately 1.8 million online activists living both in the United States and other  
7 countries.

8 13. The Center and its members derive professional, scientific, educational,  
9 recreational, conservation, aesthetic, and other benefits from blue tree monitor lizards in  
10 the wild. The Center has members who have concrete plans to visit blue tree monitor  
11 lizard habitat in Indonesia to view the species. Plaintiff also has members who regularly  
12 visit wildlife markets to attempt to observe and document wildlife offered for sale,  
13 including blue tree monitors, other lizards, and other animals in the pet trade.

14 14. For example, Center member Mr. David Channon has a deep interest in  
15 wildlife and traveling globally to observe, photograph, and enjoy wild animals and fish in  
16 their native habitats. He previously lived in Sumatra, Indonesia, and now that he is a  
17 retired professor, Mr. Channon enjoys returning to Indonesia and other parts of southeast  
18 Asia while working with a non-profit dedicated to training teachers. Through these  
19 trainings, Mr. Channon has been able to return to Indonesia and spend time there  
20 enjoying nature and wildlife. During his trip this year while in West Papua, he chose to  
21 visit Batanta Island, the primary habitat of the blue tree monitor, to attempt to view a blue  
22 tree monitor, as well as cassowary and birds of paradise on the island. While he was  
23 unable to view a blue tree monitor during his trip, he plans to return next year to again  
24 look for the species.

25 15. Mr. Brett Hartl is a Center member and avid world traveler who looks for,  
26 photographs, and records videos of wildlife both in the United States and abroad. Thus  
27 far, Mr. Hartl has observed 600 species of mammals, 4,100 species of birds, and  
28 numerous other species around the world, and he has a life goal of seeing many more.

1 Mr. Hartl has visited Indonesia four times, returning from his most recent trip in June  
2 2025. During these trips, Mr. Hartl visited different parts of Indonesia, often with local  
3 guides, to observe and attempt to observe rare and interesting species, including birds,  
4 mammals, reptiles, and corals. Mr. Hartl has concrete plans to return to Indonesia in the  
5 next three to four years. During that trip, he will once again fly into the West Papua city  
6 of Sorong, near Batanta, the island inhabited by the blue tree monitor lizard, and he  
7 intends to visit Batanta to observe the blue tree monitor lizard and other species.

8 16. Defendants' violations have directly, adversely, and irreparably harmed the  
9 Center and its members' interests in the blue tree monitor lizard. This harm is ongoing  
10 and will continue unless and until this Court provides the relief prayed for in this  
11 Complaint. The Center's members are less likely to observe blue tree monitor lizards in  
12 the wild, as the species continues to decline without ESA protections.

13 17. The relief sought in this Complaint would redress Plaintiff's injuries. ESA  
14 listing would provide blue tree monitor lizards with important protections and benefits.  
15 The ESA generally bans the import, export, and sale of endangered species in interstate  
16 and foreign commerce, 16 U.S.C. § 1538(a), and requires the Service to issue regulations  
17 deemed "necessary and advisable" for the conservation of threatened species, *id.*  
18 § 1533(d). The ESA also provides for "international cooperation" in the conservation of  
19 listed foreign species. *Id.* § 1537. ESA listing increases awareness of imperiled species  
20 and their threats; stimulates research efforts to address conservation needs; and increases  
21 funding for conservation of species in their range countries, including habitat  
22 conservation. Under the ESA, the Service provides financial assistance for programs to  
23 conserve listed species in foreign countries, encourages conservation programs for such  
24 species, and offers other related assistance, such as personnel and training. *Id.*

25 18. Therefore, the Center and its members are injured by Defendants' failure to  
26 make a timely final determination for the blue tree monitor lizard under the ESA.  
27 Defendants' protracted failure prevents the application of the ESA's substantive  
28 protections that are vitally important to the blue tree monitor's survival and eventual

1 recovery. These are actual, concrete injuries presently suffered by the Center and its  
2 members. These injuries are directly caused by Defendants’ acts and omissions, and they  
3 will continue to occur unless the Court grants relief. The Center and its members have no  
4 other adequate remedy at law.

5 **Defendants**

6 19. Defendant Doug Burgum is the Secretary of the U.S. Department of the  
7 Interior. In this capacity, Secretary Burgum directs all business of the Department of the  
8 Interior. Pursuant to the ESA, Secretary Burgum is responsible for determining whether  
9 species are endangered or threatened and for promulgating regulations to list and protect  
10 those species. In his official capacity, Secretary Burgum is responsible for the violations  
11 alleged in this Complaint.

12 20. Defendant U.S. Fish and Wildlife Service (“the Service”) is an agency  
13 within the Department of the Interior. The Secretary of the Interior has delegated to the  
14 Service the authority to administer the ESA for many species of wildlife, 50 C.F.R.  
15 § 402.01(b), including the responsibility of complying with the ESA’s mandatory listing  
16 deadlines. This authority encompasses proposed and final listing decisions for blue tree  
17 monitor lizards.

18 21. The Center sent a formal notice to Defendants of its intent to file suit under  
19 the ESA on December 26, 2025, more than 60 days prior to filing this Complaint,  
20 consistent with the ESA’s statutory requirements. 16 U.S.C. § 1540(g)(2).

21 22. Defendant Doug Burgum, Secretary of the Interior, received a copy of the  
22 Center’s notice letter via first-class, certified mail on January 2, 2026. Defendant U.S.  
23 Fish and Wildlife Service received a copy of the Center’s notice letter, directed to Brian  
24 Nesvik, Director of the Service, via first-class, certified mail on January 7, 2026.

25 23. Defendants have not remedied their continuing ESA violations as of the  
26 date of this Complaint. Therefore, an actual controversy exists between the Parties under  
27 28 U.S.C. § 2201.

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1 **FACTUAL AND STATUTORY BACKGROUND**

2 **A. Blue Tree Monitor Lizards**

3 24. Blue tree monitor lizards (*Varanus macraei*) are arboreal lizards endemic to  
4 the island of Batanta and surrounding islets in Indonesia’s West Papua province.

5 25. Measuring about three feet long, this unique lizard is mostly gray to black  
6 with bright blue spots and markings along its head, body, and tail.



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15 *A Blue Tree Monitor Lizard. Source: PMillera*

16 26. Considered naturally rare, the blue tree monitor lizard’s small population  
17 size and limited range make it particularly susceptible to threats.

18 27. The international pet trade is the biggest threat to the blue tree monitor  
19 lizard. The species’ rarity in the wild and distinctive blue hue have made it particularly  
20 popular and, as a result, expensive in the pet trade.

21 28. The blue tree monitor lizard was protected under the Convention on  
22 International Trade in Endangered Species (“CITES”) in 1975 through an Appendix II  
23 listing. CITES regulates but does not foreclose international trade in Appendix-II listed  
24 species.

25 29. Under CITES, a trade database is maintained, recording data on all  
26 international trade in CITES-listed species, as reported by countries that are parties to the  
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28

1 convention. The database shows that 5,566 blue tree monitor lizards were exported from  
2 Indonesia between 2004 and 2024.

3 30. The database also shows that in 2023 alone, the United States reported  
4 importing 153 live blue tree monitor lizards from Indonesia. Indonesia reported exporting  
5 187 live lizards to the United States that same year.

6 31. The United States is the largest importer of blue tree monitor lizards  
7 worldwide. The United States is the major driver of the blue tree monitor lizard trade.

8 32. Most blue tree monitor lizard exports from Indonesia in the CITES  
9 database are marked as captive-bred or farmed. However, there are no documented or  
10 successful captive-breeding facilities for this species in Indonesia, the primary export  
11 nation.

12 33. Blue tree monitor lizards are difficult to successfully breed in captivity. A  
13 recent scientific paper documented the challenges in breeding blue tree monitor lizards in  
14 captivity in Indonesia and the low likelihood of survival of captive-bred individuals, with  
15 a clutch of six eggs resulting in only one individual surviving beyond two months.

16 34. It is likely that many of the blue tree monitor lizards exported from  
17 Indonesia were harvested from the wild but inaccurately marked as captive-bred, captive  
18 born, or farmed. This laundering of wild-caught reptiles as “captive-bred” or “farmed”  
19 occurs often in Indonesia.

20 35. Additionally, once the lizards are captured, there is high mortality along the  
21 trade chain, as animals can wait weeks before being sold and exported to destination  
22 countries.

23 36. Blue tree monitor lizards are advertised for sale in the United States.

24 37. Between 2004 and 2024 the “declared value per individual blue tree  
25 monitor . . . nearly doubled,” which is an indication of the species’ rareness. 89 Fed. Reg.  
26 104,891, 104,893 (Dec. 26, 2024). Despite price increases, the Service found that 2023  
27 marked the “highest annual importation [levels in the United States] on record, . . . a clear  
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1 signal that the trade of blue tree monitors is continuing at a likely unsustainable level.”

2 *Id.*

3 38. In January 2026, the retail prices in online advertisements ranged from U.S.  
4 \$999 to over \$3,000 for an individual blue tree monitor lizard.

5 39. Blue tree monitor lizards are also threatened by habitat loss. Rainforests in  
6 Indonesia are increasingly threatened by deforestation and land conversion, including on  
7 Batanta Island.

8 40. The International Union for Conservation of Nature assessed the species as  
9 endangered in 2017, finding that blue tree monitor lizards are facing a very high risk of  
10 extinction in the wild.

11 41. The blue tree monitor lizard has the smallest range of all 84 currently  
12 known species of monitor lizards (family *Varanidae*), consisting of roughly 430–455  
13 square kilometers on Batanta Island and nearby offshore islets in the Raja Ampat  
14 Archipelago, in Indonesia’s West Papua province.

15 42. Because blue tree monitor lizards are listed under CITES Appendix II,  
16 export of the species requires a permit from exporting nations, and the nation must also  
17 issue a finding that “export will not be detrimental to the survival of th[e] species” and  
18 the specimen was not obtained illegally. CITES Art. IV(2)(a), (b).

19 43. However, scientists have stated that there is no science-based, socio-  
20 economic model in place for generating adaptive management plans that ensure take of  
21 many species of monitor lizards is not detrimental or harmful to their survival.

22 44. Moreover, illegal wildlife trade in Indonesia is rampant. As one paper  
23 states, “[m]ost wildlife trade in Indonesia is illegal, yet enforcement is almost non-  
24 existent.”

25 45. ESA protections are urgently needed to protect the blue tree monitor lizard  
26 from further decline.

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1           **B.     Role of the Pet Trade in Contributing to Reptile Extinctions**

2           46.     Globally, reptiles are understudied; likely 30 percent of reptile species have  
3 not yet been assessed by the International Union for Conservation of Nature.

4           47.     Many reptiles are significantly impacted by the pet trade. Populations of  
5 reptiles around the globe have been extirpated due to collection for trade. Numerous  
6 reptile species have suffered population declines due to overcollection for the pet trade.

7           48.     Rare species and species that are newly identified tend to be in demand  
8 such that the pet trade can rapidly deplete such species, at times even before protections  
9 can be enacted.

10           **C.     The Endangered Species Act**

11           49.     Recognizing that endangered and threatened species are of “esthetic,  
12 ecological, educational, historical, recreational, and scientific value to the Nation and its  
13 people,” Congress enacted the ESA in 1973 “to provide a program for the conservation  
14 of” these species. 16 U.S.C. § 1531(a)(3), (b).

15           50.     To this end, Section 4 of the ESA requires the Secretary of the Interior to  
16 determine whether any species is “endangered” or “threatened,” and if so, list the species  
17 under the ESA. 16 U.S.C. § 1533(a), (c). The Secretary has delegated his administration  
18 of the ESA to the Service. *See* 50 C.F.R. § 402.01(b).

19           51.     An endangered species is any species that “is in danger of extinction  
20 throughout all or a significant portion of its range.” 16 U.S.C. § 1532(6). A threatened  
21 species is any species that “is likely to become an endangered species within the  
22 foreseeable future throughout all or a significant portion of its range.” *Id.* § 1532(20).

23           52.     The Service must list a species if it is endangered or threatened due to  
24 “(A) the present or threatened destruction, modification, or curtailment of its habitat or  
25 range; (B) overutilization for commercial, recreational, scientific, or educational  
26 purposes; (C) disease or predation; (D) the inadequacy of existing regulatory  
27 mechanisms; or (E) other natural or manmade factors affecting its continued existence.”  
28 16 U.S.C. § 1533(a)(1). The Service must make listing determinations “solely on the

1 basis of the best scientific and commercial data available . . . after conducting a review of  
2 the status of the species.” *Id.* § 1533(b)(1)(A); *see* 50 C.F.R. § 424.11(b).

3 53. Once a species is listed under the ESA, prescribed protections apply.

4 54. Section 7(a) of the ESA requires that each federal agency “shall . . . utilize  
5 [its] authorities . . . [to] carry[ ] out programs for the conservation” of listed threatened  
6 and endangered species. 16 U.S.C. § 1536(a)(1). The same section also requires that each  
7 federal agency “shall” consult with the relevant expert agency (for blue tree monitor  
8 lizards, the Service) to “insure that any action authorized, funded, or carried out by such  
9 agency . . . is not likely to jeopardize the continued existence” of a listed species. *Id.*  
10 § 1536(a)(2).

11 55. Section 9 of the ESA generally prohibits the “take” of any endangered  
12 species within the United States or on the high seas without authorization from the  
13 Service. 16 U.S.C. §§ 1538(a)(1)(B), (C), 1539. Section 9 also prohibits the import,  
14 export, transport, and sale of any endangered species in interstate or foreign commerce.  
15 *Id.* § 1538(a)(1)(A), (E), (F).

16 56. For threatened species, Section 4(d) specifies that the Service “shall issue  
17 such regulations as [it] deems necessary and advisable to provide for the conservation of  
18 such species” and may extend any of the prohibitions in Section 9 to the species. 16  
19 U.S.C. § 1533(d).

20 57. The ESA also authorizes the Service to provide financial and other  
21 assistance for programs that conserve foreign ESA-listed species. 16 U.S.C. § 1537(a),  
22 (c). The ESA further authorizes and directs the Service through the U.S. Secretary of  
23 State to encourage foreign nations to conserve listed species and enter the United States  
24 into treaties and other agreements to provide for such conservation. *Id.* § 1537(b)(1), (2).

25 58. To ensure the timely protection of species that are at risk of extinction,  
26 Congress established a detailed, time-bound process whereby citizens may petition the  
27 Service to list a species as endangered or threatened and the Service must respond.  
28

1           59. Specifically, “[t]o the maximum extent practicable, within 90 days” of  
2 receiving a listing petition, the Service must make an initial “finding as to whether the  
3 petition presents substantial scientific or commercial information indicating that the  
4 petitioned action may be warranted.” 16 U.S.C. § 1533(b)(3)(A). The finding is referred  
5 to as a “90-day finding.”

6           60. If the Service determines that listing may be warranted, it must conduct a  
7 full scientific review of the species’ status. 16 U.S.C. § 1533(b)(3)(A). Then, within 12  
8 months of receiving the petition, the Service must make one of three findings: (1) listing  
9 is “warranted;” (2) listing is “not warranted;” or (3) listing is “warranted but . . .  
10 precluded” by other pending listing proposals, provided certain requirements are met. *Id.*  
11 § 1533(b)(3)(B). The finding is referred to as a “12-month finding.”

12           61. If the Service’s 12-month finding concludes that listing is warranted and  
13 not precluded, the agency must “promptly publish” a proposed regulation to list the  
14 species as endangered or threatened in the Federal Register for public comment. 16  
15 U.S.C. § 1533(b)(3)(B)(ii).

16           62. Within one year of publication of a proposed regulation, the Service must  
17 render its final determination on the proposal. 16 U.S.C. § 1533(b)(6)(A). At such time,  
18 the Service must either list the species, withdraw the proposed listing rule, or, if there is  
19 substantial disagreement about scientific data, delay a final determination for up to six  
20 months to solicit additional scientific information. *Id.* § 1533(b)(6)(A)(i), (B)(i).

21           63. The ESA authorizes the Service to list a species on an emergency basis for  
22 240 days, bypassing the standard ESA and Administrative Procedure Act rulemaking  
23 requirements, when there is an “emergency posing a significant risk to the well-being of  
24 any species of fish or wildlife or plants.” 16 U.S.C. § 1533(b)(7). Following public notice  
25 and comment, the species can then be listed on a non-emergency basis. *Id.*

26           64. The ESA’s strict protections do not safeguard species at risk of extinction  
27 until the Service lists the species as endangered or threatened. Accordingly, it is critical  
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1 that the Service strictly comply with the Act’s listing procedures and deadlines to ensure  
2 species are listed in a timely manner.

3 65. The Service has issued a series of workplans, documenting as non-binding  
4 timelines the fiscal years in which the agency intends to take listing actions for foreign  
5 species, including 12-month findings and proposed listing rules.

6 66. The Service issued a foreign species workplan in 2020. In fall 2021, the  
7 Service issued a revised foreign species workplan that, among other things, pushed back  
8 the Service’s non-binding timelines for completing listing actions for several species. In  
9 2023, the Service issued another revision of the foreign species workplan that also pushed  
10 back certain timelines for the Service to complete listing actions. The Service issued its  
11 current workplan in November 2024, in which it further delayed its non-binding timelines  
12 for completing some listing actions while adding several new actions and species.

13 **D. Plaintiff’s Petition and Defendants’ Failure to Meet ESA Deadlines**

14 67. Recognizing the perils blue tree monitor lizards face due to overutilization,  
15 international trade, habitat destruction, and inadequate regulatory mechanisms, the Center  
16 submitted a petition on April 15, 2022, to list the blue tree monitor lizard under the ESA.

17 68. The petition requested that the Service list the blue tree monitor lizard on  
18 an emergency basis while it considered a final listing rule due to the lizard’s small  
19 population size, rarity, and the increasing demand for this unique and newly identified  
20 species as pets, especially in the United States.

21 69. The Service issued a positive 90-day finding on Plaintiff’s petition to list  
22 the blue tree monitor lizard on August 17, 2023, finding the species’ listing “may be  
23 warranted.” 88 Fed. Reg. 55,991, 55,994 (Aug. 17, 2023). The Service did not emergency  
24 list the blue tree monitor lizard at that time.

25 70. However, in December 2024, the Service emergency listed the species,  
26 which provided immediate, temporary protections for blue tree monitor lizards. 89 Fed.  
27 Reg. 104,891 (Dec. 26, 2024). In so doing, the Service found the species to be  
28

1 “immediately susceptible to extinction” and that “continued unsustainable exploitation  
2 may soon lead to the extirpation of the species.” *Id.* at 104,893.

3 71. At the same time, the Service also made a positive 12-month finding on the  
4 Center’s petition to list the blue tree monitor and proposed an endangered listing. 89 Fed.  
5 Reg. 104,952 (Dec. 26, 2024).

6 72. More than a year has passed since the Service proposed to list the blue tree  
7 monitor lizard as endangered and the Service has not issued the final determination as the  
8 ESA requires.

### 9 CLAIM FOR RELIEF

#### 10 Violation of the Endangered Species Act

11 73. Plaintiff re-alleges and incorporates by reference the allegations contained  
12 in this Complaint as though fully set forth below.

13 74. The ESA requires the Service to publish a final determination on a  
14 proposed listing rule within one year of publishing the proposed rule. 16 U.S.C.  
15 § 1533(b)(6)(A)(i).

16 75. The Service published a proposed rule to list the blue tree monitor lizard as  
17 endangered on December 26, 2024, and more than a year later it still has not published a  
18 final determination.

19 76. Defendants have violated their nondiscretionary duty under the ESA, 16  
20 U.S.C. § 1533(b)(6)(A)(i), by failing to publish a final determination on the proposed rule  
21 to list the blue tree monitor lizard as an endangered species.

### 22 REQUEST FOR RELIEF

23 The Center respectfully requests this Court:

24 A. Declare that Defendants have violated and continue to violate the ESA by  
25 failing to make a final determination for the imperiled blue tree monitor lizard under the  
26 ESA, 16 U.S.C. § 1533(b)(6)(A)(i);

27 B. Order Defendants to issue, by a date certain, a final determination for the  
28 blue tree monitor lizard under the ESA, 16 U.S.C. § 1533(b)(6)(A)(i);

1 C. Award the Center its attorneys' fees and costs in this action as provided by  
2 the ESA, 16 U.S.C. § 1540(g)(4);

3 D. Retain continuing jurisdiction to review Defendants' compliance with all  
4 judgments and orders herein; and

5 E. Provide such other and further relief this Court deems just and proper.  
6

7 Respectfully submitted this 10th day of March, 2026.

8 s/Tanya Sanerib

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