

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

STATE OF TEXAS, et al.

and

PERMIAN BASIN PETROLEUM  
ASSOCIATION, et al.

Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR,  
et al.

Defendants.

Civil Action No. 23-CV-00047-DC

**NOTICE OF APPEAL**

The Center for Biological Diversity and Texas Campaign for the Environment (hereinafter “Conservation Groups”) appeal this Court’s Orders of August 12, 2025, and August 29, 2023, to the United States Court of Appeals for the Fifth Circuit. *See* Order on Motion for Leave to File Amicus Brief AND Order on Motion for Reconsideration AND Order on Motion for Summary Judgment AND Order on Motion to Intervene AND Order on Motion to Remand to Agency, ECF No. 109; Judgment, ECF No. 110; Order Den. Mot. to Intervene, ECF No. 36.

The Court’s most recent order denied Conservation Groups’ second motion to intervene and granted the Federal Government’s motion to remand and vacate the U.S. Fish and Wildlife Service’s prior decision to add the lesser prairie-chicken (*Tympanuchus pallidicinctus*) to the federal list of threatened and endangered species pursuant to the Endangered Species Act. ECF

No. 109, 110; *See also* Final Rule, 87 Fed. Reg. 72,674 (Nov. 25, 2022). Conservation Groups seek to appeal the denial of their motions to intervene and this Court's order on vacatur.

DATED: September 8, 2025

Respectfully submitted,

CENTER FOR BIOLOGICAL DIVERSITY

by: /s/ Jason C. Rylander

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*Attorneys for Appellants - Proposed Defendant-  
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Texas Campaign for the Environment*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2025, I electronically filed the foregoing Notice of Appeal with the Clerk of the Court for the United States District Court for the Western District of Texas by using the CM/ECF system, which will serve a copy of the same on the counsel of record.

/s/ Jason C. Rylander

JASON C. RYLANDER

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