

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

STATE OF TEXAS,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 6:24-CV-81-H
v.)	
)	DEFENDANTS’ MOTION FOR
U.S. DEPARTMENT OF THE)	VOLUNTARY REMAND
INTERIOR; U.S. FISH AND WILDLIFE)	
SERVICE; DOUGLAS BURGUM, in his)	
official capacity as SECRETARY OF THE)	
INTERIOR; BRIAN NESVIK, in his official)	
capacity as DIRECTOR OF THE U.S. FISH)	
AND WILDLIFE SERVICE,)	
)	
<i>Defendants.</i>)	
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Defendants respectfully request a voluntary remand of the final rule challenged in this case. *Endangered and Threatened Wildlife and Plants; Endangered Species Status With Critical Habitat for Guadalupe Fatmucket, Texas Fatmucket, Guadalupe Orb, Texas Pimpleback, Balcones Spike, and False Spike, and Threatened Species Status with Section 4(d) Rule and Critical Habitat for Texas Fawnsfoot*, 89 Fed. Reg. 48034 (June 4, 2024). Voluntary remand would allow the United States Fish and Wildlife Service to address certain issues raised by Plaintiffs—specifically, the consideration of conservation measures—without further litigation and would conserve the resources of the parties and the Court.

In accordance with Local Civil Rule 7.1, Defendants concurrently file a brief in support of this motion and an appendix containing the following documents:

- the Declaration of Leston Stewart Jacks, Acting Regional Director of Fish and Wildlife Service for the Southwest Region;

- the listing decision, 89 Fed. Reg. 48034 (June 4, 2024);
- the Species Status Assessment Report for the Central Texas Mussels (September 2022);
- the Candidate Conservation Agreement with Assurances for the Balcones spike and Texas fawnsfoot in the Brazos River Basin Annual Report (2023); and
- the Candidate Conservation Agreement with Assurances for Six Species in the Trinity River Basin (2023).

These documents are numbered sequentially pursuant to Local Civil Rule 7.1(i)(4), with a prefix of “US” to differentiate from the bates-numbering used in the administrative record, which is also visible on the latter four documents.

Defendants’ undersigned counsel conferred with Plaintiff’s counsel on April 16, 2026. Upon conferral, counsel for Plaintiff stated that the State of Texas agrees to remand but will also file a response urging vacatur.

Dated: April 17, 2026

Respectfully submitted,

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MEREDITH L. FLAX, Deputy Section Chief
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/s/ Elizabeth Kirby
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