

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

STATE OF TEXAS

Plaintiff,

v.

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

Defendants.

Civil Action No. 7:24-cv-233-DC-RCG

NOTICE OF APPEAL

The Center for Biological Diversity appeals this Court's Order of July 21, 2026, granting the parties' motion for settlement vacating the dunes sagebrush lizard final rule and remanding it back to the U.S. Fish and Wildlife Service, to the United States Court of Appeals for the Fifth Circuit. *See* Order Granting Motion for Settlement, ECF No 48.

This appeal concerns the same underlying proceedings as the interlocutory appeal currently pending in the Fifth Circuit, *State of Texas v. DOI* 25-51058 appealing the denial of the Center for Biological Diversity's motion to intervene in defense of the dunes sagebrush lizard final rule.

The order granting the motion for settlement is immediately appealable under 28 U.S.C. § 1291.

DATED: August 14, 2026

Respectfully submitted,

CENTER FOR BIOLOGICAL DIVERSITY

By: /s/ Lauren A. Parker
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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2026, 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/ Lauren A. Parker

LAUREN A. PARKER

Attorney for Appellants-Proposed Defendant Intervenors