

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF LOUISIANA**

ATCHAFALAYA BASINKEEPER, et al.,	)	
	)	
Plaintiffs,	)	No. 2:20-cv-1106
v.	)	
	)	Hon. Lance M. Africk
U.S. ARMY CORPS OF ENGINEERS,	)	
et al.,	)	
	)	
Defendants.	)	

**NOTICE OF WITHDRAWAL OF  
DEFENDANTS' MOTION TO DISMISS (ECF NO. 11)**

Defendants Lt. General Todd T. Semonite, Colonel Stephen Murphy, Ryan McCarthy, and the United States Army Corps of Engineers (collectively “Corps”) hereby notify the Court that they withdraw their July 27, 2020, Motion to Dismiss this matter for lack of subject matter jurisdiction. (ECF No. 11). The Corps, with the agreement of Plaintiffs, has moved for a voluntary remand of the permit at issue in this case. (ECF No. 27). In the meantime, ongoing review of the file and permit activity also has revealed that claims involving the Rivers & Harbors Act Section 10, 33 U.S.C. § 403, aspect of the permit (if any) may or may not be moot after all. Neither the Parties nor the Court would benefit if Corps personnel devoted their time and resources to additional analysis and briefing regarding claims that may or may not be moot, instead of reevaluating the permit at issue on remand. Accordingly, Defendants respectfully withdraw their Motion to Dismiss.

Respectfully submitted this 30th day of September, 2020,

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