

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 31 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UPPER MISSOURI WATERKEEPER,

Plaintiff-Appellee,

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY; ANDREW WHEELER,  
Administrator, United States Environmental  
Protection Agency,

Defendants,

TREASURE STATE RESOURCES  
ASSOCIATION OF MONTANA; STATE  
OF MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Intervenor-Defendants,

and

NATIONAL ASSOCIATION OF CLEAN  
WATER AGENCIES; THE MONTANA  
LEAGUE OF CITIES AND TOWNS,

Intervenor-Defendants-  
Appellants.

No. 19-35898

D.C. No. 4:16-cv-00052-BMM  
District of Montana, Great Falls

ORDER

The court's records reflect that the notice of appeal was filed during the pendency of a timely filed motion listed in Federal Rule of Appellate Procedure 4(a)(4). The notice of appeal is therefore ineffective until entry of the order

disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4).

Accordingly, appellate proceedings other than mediation shall be held in abeyance pending the district court's resolution of the pending motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

Within 7 days after the district court's ruling on the pending motion, appellants shall notify this court in writing of the ruling and shall advise whether appellants intend to prosecute this appeal.

To appeal the district court's ruling on the post-judgment motion, appellants must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Colin Jones  
Deputy Clerk  
Ninth Circuit Rule 27-7