

JUL 25 2008

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

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

STATE OF CALIFORNIA, by and  
through ARNOLD  
SCHWARZENEGGER, GOVERNOR OF  
THE STATE OF CALIFORNIA, the  
CALIFORNIA AIR RESOURCES  
BOARD, and EDMUND G. BROWN, JR.,  
ATTORNEY GENERAL OF THE STATE  
OF CALIFORNIA,

Petitioner,

CHESAPEAKE BAY FOUNDATION; et  
al.,

Petitioner-Intervenors,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent,

ALLIANCE OF AUTOMOBILE  
MANUFACTURERS; et al.,

Respondent-Intervenors.

No. 08-70011

SIERRA CLUB; et al.,

Petitioners,

CHESAPEAKE BAY FOUNDATION,  
INC. ("CBF"),

Petitioner-Intervenors,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent,

ASSOCIATION OF INTERNATIONAL  
AUTOMOBILE MANUFACTURERS,

Respondent-Intervenor.

No. 08-70030

ORDER

Before: SCHROEDER, LEAVY and HAWKINS, Circuit Judges.

The motions for reconsideration of the court's April 10, 2008 order denying respondent's and respondent-intervenors' motions to dismiss are granted. *See* 9th Cir. R. 27-10.

The December 19, 2007 correspondence from Stephen L. Johnson, Administrator of the Environmental Protection Agency ("Administrator") to Arnold Schwarzenegger, Governor of the State of California, is not a reviewable "final action" of the Administrator under the Clean Air Act. *See* 42 U.S.C.

§ 7607(b); *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997); *Pub. Util. Dist. No. 1 of Snohomish County, Wash. v. Bonneville Power Admin.*, 506 F.3d 1145, 1152 (9th Cir. 2007). We therefore lack jurisdiction over these consolidated petitions for review and dismiss these petitions. *See* 42 U.S.C. § 7607(b).

All other pending motions are denied as moot.

**DISMISSED.**