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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Douglas A. Ducey, Governor of Arizona,)	No. CV-22-1814-PHX-DGC
in his official capacity,)	
)	DEFENDANT-INTERVENOR
Plaintiff,)	CENTER FOR BIOLOGICAL
)	DIVERSITY'S RESPONSE TO
vs.)	FEDERAL DEFENDANTS'
)	MOTION TO DISMISS
Randy Moore, Chief of the United States)	
Forest Service, in his official capacity, <i>et</i>)	
<i>al.</i> ,)	
Defendants,)	
)	
and)	
)	
Center for Biological Diversity,)	
)	
Defendant-Intervenor.)	
_____)	

1 Defendant-Intervenor Center for Biological Diversity (“the Center”) files this
 2 response in support of Federal Defendants’ Motion to Dismiss. Doc. 24. In particular,
 3 the Center strongly supports Federal Defendants’ position concerning the clear
 4 jurisdiction and authority of the federal government over the border lands at issue
 5 pursuant to the United States Constitution and longstanding, controlling precedent. *See,*
 6 *e.g., id.*, pp. 15-16, 20-22. The Center similarly supports Federal Defendants’ arguments
 7 that Governor Ducey’s unauthorized actions on the federal public lands at the border both
 8 directly conflict with and violate numerous federal laws. *Id.*, pp. 22-24. The Governor’s
 9 Complaint should be dismissed in its entirety, with prejudice.

10 As explained in the Center’s motion to intervene, the Governor is currently taking
 11 actions at the border that are causing significant, irreparable damage to these federal
 12 public lands, which include important wildlife habitat. Doc. 6, p. 13; Doc. 8, ¶ 17; Doc.
 13 17, pp. 5, 8; Doc. 17-1, ¶¶ 4-12. Due this ongoing, substantial, environmental harm, and
 14 the Governor’s clear failure to state any viable claim on which its requested relief may be
 15 granted, the Center respectfully requests that the Court issue a ruling on Federal
 16 Defendants’ motion to dismiss as rapidly as practicable.

17 Dated November 30, 2022.

Respectfully submitted,

18
 19 /s/ Marc D. Fink

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