

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CALIFORNIA NATIVE PLANT SOCIETY, :
et al., :
 :
Plaintiffs, :
 :
v. : Civil Action No. 03-1540 (JR)
 :
GALE A. NORTON, Secretary of the :
Interior, et al., :
 :
Defendants. :

ORDER

For the reasons stated in the accompanying memorandum, plaintiffs' motion for summary judgment [22] is **GRANTED** in part, and it is **DECLARED, ADJUDGED, AND DECREED** that the 2002 and 2004 CNORs unlawfully use work on critical habitat designations to justify their preclusion findings and unlawfully fail to explain why listing the Spineflower is warranted but precluded. In all other respects, plaintiffs' motion for summary judgment is **DENIED**. Plaintiffs' failure to monitor claim is **DISMISSED** for failure to state a claim upon which relief can be granted. Plaintiffs' claim challenging defendant's reliance on the Petition Management Guidance is **DISMISSED** as moot. Defendant's motion for summary judgment [23] is **DENIED**. It is **SO ORDERED**.

JAMES ROBERTSON
United States District Judge