

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-60191

STATE OF TEXAS,

Petitioner

v.

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF ENERGY; JAMES RICHARD "RICK" PERRY, in his official capacity as United States Secretary of Energy; UNITED STATES NUCLEAR REGULATORY COMMISSION; KRISTINE L. SVINICKI, in her official capacity as Chairman of the United States Nuclear Regulatory Commission; UNITED STATES NUCLEAR REGULATORY COMMISSION ATOMIC SAFETY AND LICENSING BOARD; THOMAS MOORE, in his official capacity as United States Nuclear Regulatory Commission Atomic Safety and Licensing Board Judge; PAUL RYERSON, in his official capacity as United States Nuclear Regulatory Commission Atomic Safety and Licensing Board Judge; RICHARD WARDWELL, in his official capacity as United States Nuclear Regulatory Commission Atomic Safety and Licensing Board Judge; UNITED STATES DEPARTMENT OF TREASURY; STEVEN T. MNUCHIN, in his official capacity as United States Secretary of the Treasury,

Respondents

Petition for a Writ of Mandamus to the
Nuclear Regulatory Commission

O R D E R :

IT IS ORDERED that the State of Texas' motion to stay consideration of the Nuclear Energy Institute, et al.'s motion to intervene until such time it becomes proper to adjudicate is Denied.

/s/ Patrick E. Higginbotham
PATRICK E. HIGGINBOTHAM
UNITED STATES CIRCUIT JUDGE

United States Court of Appeals

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

**LYLE W. CAYCE
CLERK**

**TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130**

May 19, 2017

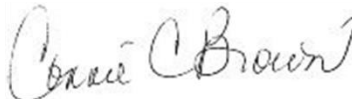
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 17-60191 In re: State of Texas
Agency No. 42 USC 10101

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Connie Brown, Deputy Clerk
504-310-7671

Mr. Andrew Paul Averbach
Ms. Ellen J. Durkee
Mr. Charles J. Fitzpatrick
Mr. David S. Gualtieri
Mr. David J. Hacker
Mr. Andrew Drake Leonie III
Mr. Charles Everett Mullins
Mr. David Austin Robert Nimocks
Mr. Warren Kenneth Paxton Jr.
Mr. Antonio Rossmann
Mr. Jefferson B. Sessions III
Mr. Jay E. Silberg
Mr. Stephen C. Skubel
Mr. Jordan T. Smith
Mr. Joel Stonedale