

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 18-1232****September Term, 2018****NRC-63-001-HLW****Filed On:** December 28, 2018

State of Nevada,

Petitioner

v.

U.S. Nuclear Regulatory Commission and  
David A. Wright, Commissioner,

Respondents

**BEFORE:** Griffith, Pillard, and Katsas, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, the opposition thereto, and the reply, it is

**ORDERED** that the motion to dismiss be granted. Because petitioner concedes that the underlying proceedings are currently suspended and may never resume, petitioner's claim is not ripe because it "rests upon contingent future events that may not occur as anticipated, or indeed may not occur at all." Devia v. NRC, 492 F.3d 421, 424 (D.C. Cir. 2007) (internal quotation marks omitted); see also Nye County v. NRC, No. 13-1260, unpublished order (D.C. Cir. Feb. 21, 2014). Under these circumstances, the court need not decide whether a case invoking the jurisdictional grant of 42 U.S.C. § 10139(a)(1)(B) or (C) must be brought via a petition for mandamus.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**