

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

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**No. 17-1271****September Term, 2017****FERC-CP16-10-000****FERC-CP16-13-000****Filed On:** February 2, 2018

Appalachian Voices, et al.,

Petitioners

v.

Federal Energy Regulatory Commission,

Respondent

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Mountain Valley Pipeline, LLC,  
Intervenor  
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Consolidated with 18-1002, 18-1006

**BEFORE:** Griffith, Kavanaugh, and Pillard, Circuit Judges**ORDER**

Upon consideration of the emergency motions for stay pending judicial review and the petition for writ of mandamus, the responses thereto, and the replies; and the motion to dismiss, it is

**ORDERED** that the motions for stay be denied. Petitioners have not satisfied the stringent requirements for a stay pending court review. See Nken v. Holder, 556 U.S. 418, 434 (2009); D.C. Circuit Handbook of Practice and Internal Procedures 33 (2017). It is

**FURTHER ORDERED** that the petition for writ of mandamus be denied. Petitioners have not shown a clear and indisputable right to the extraordinary remedy of mandamus. See Northern States Power Co. v. U.S. Dep't of Energy, 128 F.3d 754, 758 (D.C. Cir. 1997). It is

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**FURTHER ORDERED** that the motion to dismiss be referred to the merits panel to which these consolidated cases are assigned. The parties are directed to address in their briefs the issues presented in the motion to dismiss, rather than incorporate those arguments by reference.

Pursuant to D.C. Circuit Rule 36, the disposition in No. 18-1006 will not be published.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Robert J. Cavello  
Deputy Clerk