

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 4, 2023

Christopher M. Wolpert
Clerk of Court

COLT & JOE TRUCKING, LLC,

Petitioner,

v.

U.S. DEPARTMENT OF
TRANSPORTATION, et al.,

Respondents.

No. 23-9564
(FMCS No. FMCSA-2020-0230)
(Federal Motor Carrier Safety
Administration)

ORDER

Before **MATHESON** and **BACHARACH**, Circuit Judges.

This matter is before the court on the parties' Joint Motion for Limited Remand and Abatement of Petition for Review (the "Joint Motion"). The parties request that this petition for review be abated and that the case be remanded to the agency for the limited purpose of "permitting the agency to vacate the final agency decision under review." The parties jointly supplemented their motion to clarify that on limited remand the agency will retain the ability to "take any further action in this matter, with the understanding that any further agency decision would then be subject to a new petition for review."

Upon consideration, the Joint Motion as supplemented is granted.

The court directs a limited remand to the Federal Motor Carrier Safety Administration to conduct any and all proceedings necessary pursuant to the parties' Joint

Motion. Proceedings in this petition for review are abated, and briefing on the merits is suspended.

The parties shall notify this court within five days of final agency action taken pursuant to this limited remand. The parties should also either (1) notify the court whether additional proceedings in this court will be necessary, or (2) file any appropriate motion regarding the continuation of proceedings in this court. If the agency has not resolved the matters on limited remand within 30 days from the date of this order, the parties shall file a joint report advising this court of the status of agency proceedings on limited remand.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk