

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

COLT & JOE TRUCKING, LLC,

Petitioner,

v.

U.S. DEPARTMENT OF
TRANSPORTATION; FEDERAL
MOTOR CARRIER SAFETY
ADMINISTRATION (FMCSA),

Respondent.

No. 23-9564
FMCSA-2020-0230

JOINT NOTICE IN RESPONSE TO COURT ORDER

On October 4, 2023, the Court remanded this case to the Federal Motor Carrier Safety Administration (FMCSA) for the limited purpose of permitting the agency to vacate the final agency decision under review. The Court ordered the parties to file a notice “within five days of final agency action taken pursuant to this limited remand” and to “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.” Order, No. 23-9564 (Oct. 4, 2023).

On November 2, 2023, the FMCSA vacated the final agency order at issue in this litigation. As the parties noted in the joint motion for a limited remand and the

subsequent clarification, the agency may take further action in this matter, and if the agency issues a new final decision, petitioner may file a new petition for review. Accordingly, no further proceedings in this Court are necessary at this time, and this petition for review may be dismissed.

Respectfully submitted,

Mark B. Stern

/s/ Adam Jed

Adam C. Jed

U.S. Department of Justice
Appellate Staff, Civil Division
950 Pennsylvania Avenue NW
Room 7243
Washington, DC 20530
adam.c.jed@usdoj.gov
(202) 514-8280

Attorneys for Respondent

/s/ Sheng Li

Sheng Li

New Civil Liberties Alliance
1225 19th St. NW, Suite 450
Washington, D.C. 20036
Sheng.Li@ncla.legal
(202) 869-5210

Attorney for Petitioner

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CERTIFICATE OF COMPLIANCE

1. This document contains 169 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font size Times New Roman type style.

Dated: November 3, 2023

s/ Adam Jed

Adam C. Jed

Attorney for Respondent

s/ Sheng Li

Sheng Li

Attorney for Petitioner