

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

**Confederated Tribes of the Colville Reservation and Confederated
Tribes of the Chehalis Reservation v. National Oceanic and
Atmospheric Administration, Secretary of Commerce Howard
Lutnick, in his official capacity, Jennifer Quan, Regional
Administrator NOAA Fisheries West Region, in her official capacity,
Bureau of Indian Affairs, and Secretary of the Interior Douglas
Burgum, in his official capacity**

Confederated Tribes of the Colville Reservation · No. 2:26-CV-00061-SAB · Decided April 27, 2026

SUMMARY

The United States District Court for the Eastern District of Washington denied as moot the Confederated Tribes' motion for a preliminary injunction concerning grant funding administered under the Inflation Reduction Act. The court also denied reconsideration of its prior denial of temporary restraining orders and denied a related motion to expedite, finding no clear error and emphasizing the narrow scope of judicial review of agency decision-making.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
WRITING FOR THE COURT	Stanley A. Bastian
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	April 27, 2026
DOCKET	2:26-CV-00061-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for a preliminary injunction, reconsideration of the prior denial of their motions for temporary restraining orders, and expedited consideration. The court considered the motions without oral argument.
STANDARD OF REVIEW	Judicial review of agency decision-making is narrow, and reconsideration is appropriate only upon newly discovered evidence, clear error, or an intervening change in controlling law.

TOPICS

injunctions

motion for reconsideration

judicial review of agency action

administrative law

civil procedure

PRACTICE AREAS

administrative law

civil procedure

remedies

indian affairs

QUESTIONS PRESENTED

1. Whether the motion for a preliminary injunction was moot because the requested injunctive relief was no longer available after grant-award letters had been sent.
2. Whether the court should reconsider or strike its prior order denying Plaintiffs' motions for temporary restraining orders.
3. Whether the record showed clear error or agency action beyond the discretion afforded to Defendants.

HOLDINGS

1. The motion for a preliminary injunction was moot because the requested relief was no longer available after the grant-award letters had been sent.
2. Reconsideration was unwarranted because Plaintiffs did not establish newly discovered evidence, clear error, or an intervening change in controlling law.
3. The court found no clear evidence that Defendants acted beyond the discretion afforded to them in establishing grant-funding eligibility standards and determining that Plaintiffs were ineligible.

KEY QUOTATIONS

“Motions for reconsideration are disfavored and are not appropriate if used to revisit issues already addressed by the Court or to advance new arguments that could have been raised in prior briefing.” (at 1)

“Regardless of the parties’ stances on Plaintiffs’ eligibility for grant funding, judicial review of agency decision-making is narrow in scope and there is no clear evidence that Defendants acted beyond the discretion afforded to them.” (at 2)

FACTUAL BACKGROUND

The Plaintiff Tribes challenged NOAA's determination that they were not eligible for grant funding administered under the Inflation Reduction Act. NOAA had established eligibility standards pursuant to its authority and discretion, and letters awarding the relevant grant funding had already been sent when Plaintiffs sought injunctive relief. Plaintiffs maintained that they satisfied the eligibility criteria, while Defendants argued that the Tribes' connection to the criteria was incidental and unrelated to the goals of the grant funding.

PROCEDURAL HISTORY

The court had previously denied Plaintiffs' motions for temporary restraining orders concerning grant funding. Plaintiffs then sought a preliminary injunction and reconsideration. Because the grant-award letters had already been sent, the court denied the preliminary-injunction motion as moot and denied reconsideration and the related motion to expedite.

DISPOSITION

other

CASES CITED

- Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr., 810 F.3d 631, 636 (9th Cir. 2015)
- In Def. of Animals v. U.S. Dep’t of Interior, 648 F.3d 1012, 1013 (9th Cir. 2011)
- Kona Enter., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- American Ironworks & Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001)

OPINION

1 2 FILED IN THE 3 EASTERN U. N. S D. I S D T I R S I T C R T I C O T F C W O A U S R H T I
NGTON 4 Apr 27, 2026 5 SEAN F. MCAVOY, CLERK 6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON 8 9 CONFEDERATED TRIBES OF THE No. 2:26-
CV-00061-SAB 10 COLEVILLE RESERVATION, and 11 CONFEDERATED TRIBES OF THE
ORDER RE: MOTION FOR 12 CHEHALIS RESERVATION, PRELIMINARY INJUNCTION;
13 Plaintiffs, MOTION FOR 14 v. RECONSIDERATION 15 NATIONAL OCEANIC AND 16
ATMOSPHERIC ADMINISTRATION, 17 SECRETARY OF COMMERCE 18 HOWARD
LUTNICK, in his official 19 capacity, JENNIFER QUAN, Regional 20 Administrator NOAA
Fisheries West 21 Region, in her official capacity, BUREAU 22 OF INDIAN AFFAIRS, and 23
SECRETARY OF THE INTERIOR 24 DOUGLAS BURGUM, in his official 25 capacity, 26
Defendants.

27 28 1 Before the Court are Plaintiffs’ Motion for Preliminary Injunction, ECF No. 2 15, Motion
for Reconsideration, ECF No. 28, and related Motion to Expedite, ECF 3 No. 29. Plaintiffs are
represented by Thomas P. Peckham, Marty M. Raap, and 4 Robbi M. Kesler. Defendants are
represented by Joseph P. Derrig and Derek T. 5 Taylor.

The Motions were considered without oral argument. 6 First, a preliminary injunction is only
appropriate when it can grant the same 7 relief as what is requested in the operative complaint.
Pac. Radiation Oncology, 8 LLC v. Queen’s Med. Ctr., 810 F.3d 631, 636 (9th Cir. 2015). A
request for 9 injunctive relief is moot when a court can no longer grant any effective relief 10
sought in the injunction request.

In Def. of Animals v. U.S. Dep’t of Interior, 648 11 F.3d 1012, 1013 (9th Cir. 2011). Plaintiffs
concede in their Motion for 12 Reconsideration that their Motions for Temporary Restraining

Order are moot, as 13 letters awarding the grant funding at issue have already been sent out and the 14 injunctive relief requested is no longer available. Plaintiff's operative complaint 15 and Motion for Preliminary Injunction make the same requests for injunctive relief, 16 so it follows that Plaintiffs' Motion for Preliminary Injunction is also moot.

17 Next, Plaintiffs request the Court reconsider its prior Order denying their 18 Motions for Temporary Restraining Order, or in the alternative, strike the Order 19 and deny the Motions as moot. Motions for reconsideration are disfavored and are 20 not appropriate if used to revisit issues already addressed by the Court or to 21 advance new arguments that could have been raised in prior briefing.

Kona Enter., 22 Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000); American Ironworks & 23 Erectors, Inc. v. N. Am. Const. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001). A 24 motion for reconsideration should be granted when a court: (1) is presented with 25 newly discovered evidence, (2) committed clear error, or (3) if there is an 26 intervening change in the controlling law.

Kona, 229 F.3d at 890. 27 Plaintiffs take issue with the following statement from the Court's prior 28 Order: "According to NOAA, the Plaintiff Tribes do not meet the defined criteria, which 1s not disputed by Plaintiffs." Plaintiffs argue they do meet the defined criteria and argued as such in their reply memorandum. 3 The Court declines to fully reconsider the merits of the Motions for Temporary Restraining Order, as there is no clear error that would change the 5|| Court's ultimate determination, or to strike the relevant Order from the record.

In the interest of preventing further confusion and re-litigation of the issues, the Court clarifies that NOAA, pursuant to its authority and discretion under the Inflation Reduction Act, set out eligibility standards for grant funding and determined the 9)| Plaintiff Tribes were not eligible for funding.

Although Plaintiffs assert they meet all of the eligibility criteria, Defendants contend Plaintiffs' connection to the 11|| criteria is incidental and not related to the actual goals of the grant funding. 12 Regardless of the parties' stances on Plaintiffs' eligibility for grant funding, 13|| judicial review of agency decision-making is narrow in scope and there is no clear evidence that Defendants acted beyond the discretion afforded to them.

15 Accordingly, IT IS HEREBY ORDERED: 16 1. Plaintiffs' Motion for Preliminary Injunction, ECF No. 15, is DENIED as moot. 18 2. Plaintiff's Motion for Reconsideration, ECF No. 28, and related Motion to Expedite, ECF No. 29, are DENIED. 20 IT IS SO ORDERED.

The District Court Executive is hereby directed to file this Order and provide copies to counsel. 22 DATED this 27th day of April 2026. 23 24 LET. 2s sin in phar 26 ~ Stan Bastian Chief United States District Judge 28 ORDER RE: MOTION FOR PRELIMINARY INJUNCTION; MOTION

