

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

OPINION

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

PER CURIAM.

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FILED IN THE

3 EASTERN DISTRICT OF WASHINGTON

4 Apr 27, 2026

5 SEAN F. MCAVOY, CLERK

6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF WASHINGTON

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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