

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

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**No. 22-1081****September Term, 2023**

FILED ON: APRIL 9, 2024

STATE OF OHIO, ET AL.,  
PETITIONERS

v.

ENVIRONMENTAL PROTECTION AGENCY AND MICHAEL S. REGAN, IN HIS OFFICIAL CAPACITY AS  
ADMINISTRATOR OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY,  
RESPONDENTS

ADVANCED ENERGY UNITED, ET AL.,  
INTERVENORS

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Consolidated with 22-1083, 22-1084, 22-1085

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On Petitions for Review of a Final Action  
of the Environmental Protection Agency

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Before: WILKINS, CHILDS, and GARCIA, *Circuit Judges*

**J U D G M E N T**

These causes came on to be heard on the petitions for review of a final action of the Environmental Protection Agency and were argued by counsel. On consideration thereof, it is

**ORDERED** and **ADJUDGED** that the Fuel Petitioners' petitions (Nos. 22-1083, 22-1084, and 22-1085) be dismissed for lack of jurisdiction; and the State Petitioners' petition (No. 22-1081) be dismissed for lack of jurisdiction as to the preemption claim and be denied as to the constitutional claim, in accordance with the opinion of the court filed herein this date.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy  
Deputy Clerk

Date: April 9, 2024

Opinion Per Curiam