

## D.C. Circuit Denies EPA's Petition for Rehearing En Banc in CSAPR Litigation

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On January 24, 2013, the U.S. Court of Appeals for the D.C. Circuit denied EPA's Petition for Rehearing *En Banc* in *EME Homer City Generation, L.P. v. EPA*. The court's order stated that a majority of the judges eligible to participate in a vote on EPA's petition voted against rehearing. Judge Judith Rogers, who wrote a vigorous dissent from the majority's opinion in *EME Homer City Generation*, did not write a dissent from the rehearing denial. Following the D.C. Circuit's denial of its Petition for Rehearing *En Banc*, EPA's only remaining recourse to challenge the CSAPR vacatur is to petition for a writ of certiorari from the Supreme Court of the United States.

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