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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

TUCSON HERPETOLOGICAL
SOCIETY; DEFENDERS OF WILDLIFE;
CENTER FOR BIOLOGICAL
DIVERSITY; HORNED LIZARD
CONSERVATION SOCIETY; SIERRA
CLUB; DR. WENDY HODGES; and DR.
FRANCIS ALLAN MUTH,

Plaintiffs,

vs.

GALE NORTON, in her official capacity
of Secretary of the Interior; DALE HALL,
in his official capacity of Director of the
U.S. Fish and Wildlife Service,

Defendants.

No. CV-04-0075-PHX-NVW

JUDGMENT

Pursuant to the court's Order of August 30, 2005 (doc. # 59) on the parties' cross-motions for summary judgment,

IT IS ORDERED, ADJUDGED, AND DECREED that:

1. The January 3, 2003 Withdrawal of the Proposed Rule to List the flat-tailed horned lizard violates the Endangered Species Act and fails to comply with the mandate of the United States Court of Appeals for the Ninth Circuit in *Defenders of Wildlife v. Norton*, 258 F.3d 1136 (9th Cir. 2001), by failing to evaluate the lizard's lost historical habitat and whether that lost habitat was a significant portion of the range.

