

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**ROBERT A. KATZMANN**  
CHIEF JUDGE

Date: September 11, 2017

Docket #: 17-2806

Short Title: State of New York v. National Highway Traffic  
Safet

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Agency #: NHTSA-2016-0136]

Agency: DEPT.OF TRANS. -

NAT.TRANSPORT.SAFETY BD

**DOCKETING NOTICE**

A petition for review filed by State of California, State of Maryland, State of New York, State of Pennsylvania and State of Vermont in the above referenced case was docketed today as 17-2806. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

**YOUR CORRECT CONTACT INFORMATION:** Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

**CHANGE IN CONTACT INFORMATION:** An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone

number, or e-mail. To update contact information, a Filing User must access PACER's Manage My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether petitioner is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8638.

Case No. \_\_\_\_\_

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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STATE OF NEW YORK, STATE OF CALIFORNIA, STATE OF VERMONT,  
STATE OF MARYLAND and COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; JACK  
DANIELSON, in his capacity as Acting Deputy Administrator of the National  
Highway Traffic Safety Administration; and ELAINE L. CHAO, in her capacity  
as Secretary of the United States Department of Transportation,

Respondents.

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**PETITION FOR REVIEW OF A FINAL RULE OF THE NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

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Page*

## **PETITION FOR REVIEW**

Pursuant to the Energy Policy and Conservation Act, 49 U.S.C. § 32909, Section 702 of the Administrative Procedure Act, 5 U.S.C. § 702, and Rule 15 of the Federal Rules of Appellate Procedure, the States of New York, California, Vermont and Maryland, and the Commonwealth of Pennsylvania hereby petition this Court to review and set aside a final action taken by Respondents to indefinitely delay the effective date of a final rule increasing the civil penalty rate for violations of the Corporate Average Fuel Economy standards. The rule challenged herein is titled “Civil Penalties ... Final rule; delay of effective date” and was published in the Federal Register at 82 Fed. Reg. 32139-40 (July 12, 2017).

A copy of the challenged final rule is attached as Exhibit A to this Petition.

Dated: September 8, 2017

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