

United States Court of Appeals

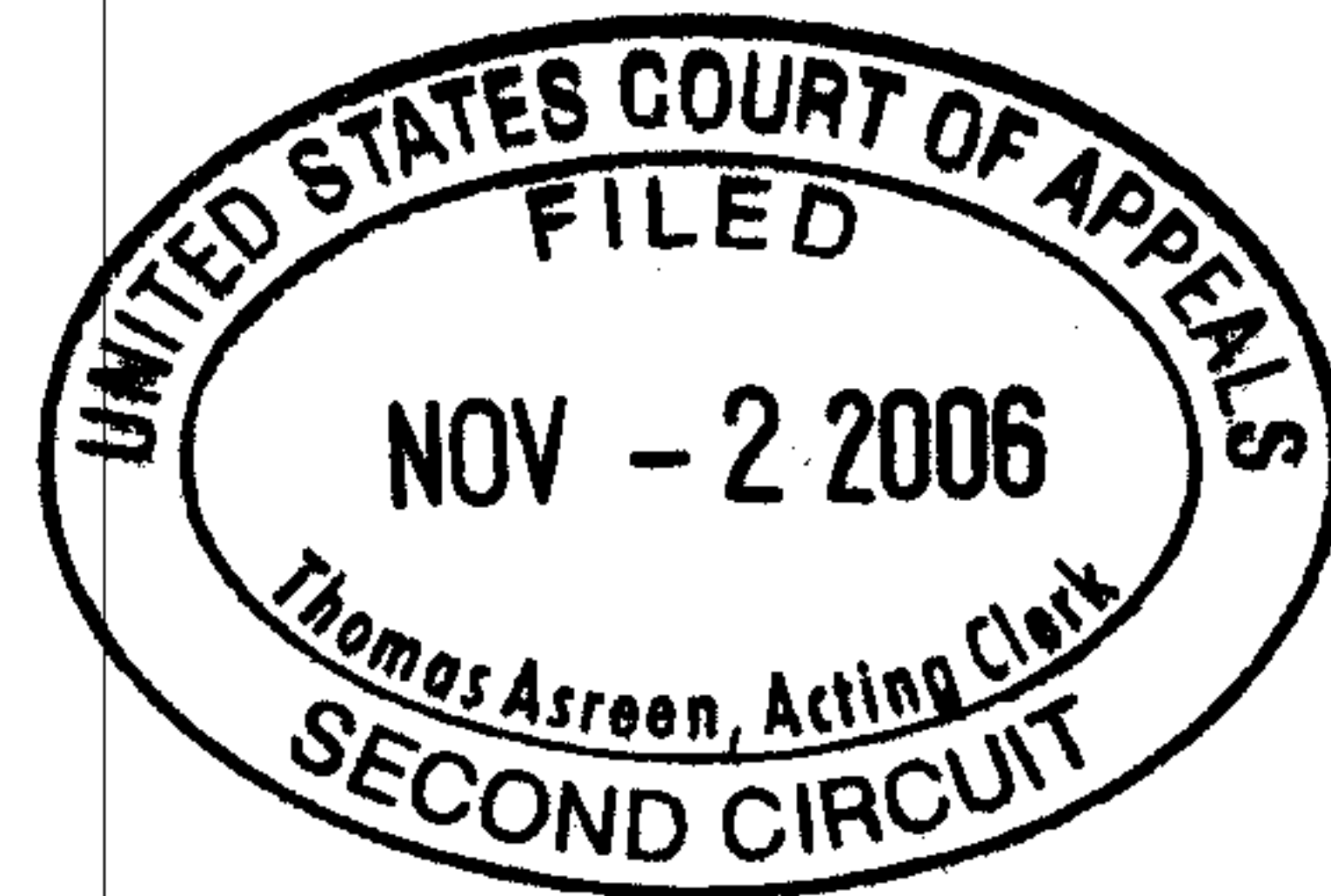
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the *2nd* day of *November*, two thousand six

Present:

Hon. Richard J. Cardamone,
Hon. Roger J. Miner,
Hon. Robert A. Katzmann,

Circuit Judges.



In re State of Vermont

06-4704-op

The State of Vermont petitions that this Court to issue a temporary injunction preventing International Paper Company from conducting a fourteen day test burn of a tire-derived fuel in accordance with a permit issued by the State of New York. International Paper Company and the State of New York seek leave to file opposition to Vermont's petition. Upon due consideration, it is hereby ORDERED that the State of New York's and International Paper Company's motions for leave are GRANTED. It is further ORDERED that the State of Vermont's petition is DENIED as they have failed to show their entitlement to such relief. *See Forest City Daly Housing, Inc. v. Town of North Hempstead*, 175 F.3d 144, 149 (2d Cir. 1999).

FOR THE COURT:
Thomas Asreen, Acting Clerk

by *Lucille Carr*
Deputy Clerk