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## DC Circuit Moves Directly to En Banc Review of Clean Power Plan Challenges

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In a surprise move, the US Court of Appeals for the District of Columbia Circuit has skipped the normal three-judge panel consideration of the consolidated challenges to the Environmental Protection Agency's Clean Power Plan and will move directly to *en banc* review before the full circuit court. The US Supreme Court recently stayed the Clean Power Plan's implementation, and the DC Circuit had the case on an expedited schedule for argument in June before a traditional three-judge panel.

On May 16, the DC Circuit issued a highly unusual order announcing that the court will skip the three-judge panel review, including the June oral argument, and will instead proceed directly to *en banc* review with oral arguments at the end of September. As a result of this change in the procedural schedule, a decision by the DC Circuit on the challenges to the Clean Power Plan is unlikely before 2017.

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