

FILED: May 19, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2040
(1:19-cv-01444-GLR)

COLUMBIA GAS TRANSMISSION, LLC,

Plaintiff - Appellant,

v.

0.12 ACRES OF LAND, MORE OR LESS, IN WASHINGTON COUNTY,
MARYLAND, STATE OF MARYLAND, DEPARTMENT OF NATURAL
RESOURCES,

Defendant - Appellee.

ORDER

Columbia Gas Transmission, LLC, appeals the district court's order denying its request for a preliminary injunction and dismissing its condemnation suit for lack of jurisdiction. When the district court entered its order, it did not have the benefit of the Supreme Court's decision in *PennEast Pipeline Co. v. New Jersey*, 141 S. Ct. 2244, 2263 (2021) ("The States . . . have no immunity left to waive or abrogate when it comes to condemnation suits by the Federal Government and its delegates."). Upon review, we

deny Columbia Gas' motion for summary reversal, vacate the district court's order, and remand for further consideration in light of *PennEast*.

Entered at the direction of the panel: Judge Motz, Judge Harris, and Senior Judge Traxler.

For the Court

/s/ Patricia S. Connor, Clerk