

United States Court Of Appeals For The Ninth Circuit

Ernesta B. Barnes, Regional Administrator, Environmental Protection Agency, et al., Petitioners,

v.

**United States District Court For The Western District Of Washington, Respondent, And
Time Oil Company, Real Party In Interest**

No. 86-7040

Filed August 13, 1986.

Counsel:

Kathleen P. Dewey, Robert L. Klarquist, U.S. Dept. of
Justice, for Petitioner.

William H. Bode, Donald W. Fowler, SPRIGGS, BODE
& HOLLINGS WORTH, Terrill L. Henderson, Jackson J.
Fox, Esq., U.S. Attorney, for Respondent.

Before: SCHROEDER, FARRIS and BRUNETTI, Cir-
cuit Judges.

Order

The petition for a writ of mandamus is granted. The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. does not authorize pre-enforcement review of Environmental Protection Agency orders. See *Wheaton Industries v. United States Environmental Protection Agency*, 781 F.2d 354, 356 (3d Cir. 1986); *J.V. Peters & Co., Inc. v. Administrator, EPA*, 767 F.2d 263, 265 (6th Cir. 1985). The district court is directed to enter judgment dismissing the complaint.

A certified copy of this order shall act as and for the mandate of the court.