

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE,
et al.

Plaintiffs,

vs.

No. 1:13-CV-00639-MCA-RHS

TOM VILSACK, Secretary U.S.
Department of Agriculture, et al.

Defendants.

ORDER

THIS MATTER comes before the Court on *Federal Defendants' Motion to Supplement the Administrative Record with the Declaration of Dr. Daniel L. Engeljohn, Ph.D.* [Doc. 184] The Court, having considered *Plaintiffs' Opposition to Federal Defendants' Motion to Supplement the Administrative Record with the Declaration of Dr. Daniel L. Engeljohn, Ph.D.* [Doc. 190], and *Federal Defendants' Reply in Support of Motion Supplement the Administrative Record with the Declaration of Dr. Daniel L. Engeljohn, Ph.D.* [Doc. 191], and being otherwise fully informed in the premises, finds the motion to be not well taken and should be denied.

In considering whether to permit supplementation of the administrative record as requested, the Court evaluated whether:

- (1) . . . the agency action is not adequately explained and cannot be reviewed properly without considering the cited materials;
- (2) . . . the record is deficient because the agency ignored relevant factors [that] it should have considered in

making its decision; (3) . . . the agency considered factors that were left out of the formal record; (4) . . .the case is so complex and the record so unclear that the reviewing court needs more evidence to enable it to understand the issues; and (5) . . . evidence [has] com[e] into existence after the agency acted [which] demonstrates [whether] the actions were right or wrong.

Am. Mining Cong. v. Thomas, 772 F.2d 617, 625 (10th Cir. 1985) (internal citations omitted). Having evaluated whether supplementation is appropriate, the Court concludes that the circumstances warranting supplementation are not present, that the administrative record is sufficient to allow for a meaningful review, and that supplementation is not necessary.

IT IS THEREFORE HEREBY ORDERED that *Federal Defendants' Motion to Supplement the Administrative Record with the Declaration of Dr. Daniel L. Engeljohn, Ph.D.* [Doc. 184] is **DENIED**.

SO ORDERED this 16th day of October, 2013, in Albuquerque, New Mexico.


M. CHRISTINA ARMIJO
Chief United States District Judge