

U.S. Supreme Court Rejects Asian Carp Case Brought by State of Michigan

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The Asian carp case in the U.S. Supreme Court officially ended on April 26th with [a two sentence order](#) by the Court: "The motion of Michigan to reopen and for a supplemental decree is denied. The alternative motion for leave to file a bill of complaint is denied."

The State of Michigan had filed an action in the Supreme Court to order the State of Illinois, the Metropolitan Water Reclamation District of Greater Chicago, and the U.S. Army Corps of Engineers "to immediately take all available measures within their respective control, consistent with the protection of public health and safety, to prevent the migration of bighead and silver carp into Lake Michigan." The Supreme Court's latest ruling comes after extensive briefings by the parties and two prior orders denying Michigan's motions for a preliminary injunction, which sought to immediately close the locks.

What will happen next? It seems unlikely, although possible, that Michigan will file a new action in federal district court to continue litigation. The most likely solution is a political one--one in which the Obama administration works with the governors of the Great Lakes states to come up with a middle-of-the-road solution. What is clear is that the locks will not be closed in the immediate future.

Stay tuned to the Illinois Environmental Law Blog for more news and developments.