



The First Question: Has there been an the Agency Action?

- The APA defines “agency action” as “includ[ing] the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.” 5 U.S.C. §551(13).
 - “failure to act” means the failure to take one of the discrete actions listed in the definition of “agency action.”
- Absent specific statutory direction, can plaintiffs force the BLM to protect potential wilderness areas from human use?
 - Is failure to act an agency action?
 - Is this like a mandamus question?

Agency And Action

Marco Cascella



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