

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

GLEN SCOTT MILNER, <i>Plaintiff-Appellant,</i> v. UNITED STATES DEPARTMENT OF THE NAVY, <i>Defendant-Appellee.</i>

No. 07-36056
D.C. No.
CV-06-01301-JCC
Western District of
Washington,
Seattle
ORDER

Filed May 11, 2011

On Remand From The United States Supreme Court

Before: William A. Fletcher, Ronald M. Gould and
Richard C. Tallman, Circuit Judges.

ORDER

This case returns to us on remand from the Supreme Court of the United States. *Milner v. Dept. of the Navy*, 575 F.3d 959 (9th Cir. 2009), *reversed and remanded by* 131 S. Ct. 1259 (2011). We, in turn, reverse and remand to the district court for further proceedings on an open record consistent with the Supreme Court's opinion.

REVERSED and REMANDED.