

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

NATIONAL TREASURY EMPLOYEES  
UNION (NTEU),

*Petitioner,*

v.

FEDERAL LABOR RELATIONS  
AUTHORITY,

*Respondent,*

and

UNITED STATES CUSTOMS AND  
BORDER PROTECTION, UNITED  
STATES DEPARTMENT OF HOMELAND  
SECURITY,

*Intervenor.*

No. 05-76783

FLRA Nos.  
SF-CA-02-0003  
SF-CA-02-0060  
SF-CA-03-0183

OPINION

On Petition for Review of an Order of the  
Federal Labor Relations Authority

Argued and Submitted  
December 5, 2007—San Francisco, California

Filed December 19, 2007

Before: Alex Kozinski, Chief Judge, Robert E. Cowen\* and  
Michael Daly Hawkins, Circuit Judges.

Per Curiam Opinion

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\*The Honorable Robert E. Cowen, Senior United States Circuit Judge  
for the Third Circuit, sitting by designation.

**COUNSEL**

Robert H. Shriver, III; Gregory O'Duden, General Counsel; Elaine Kaplan, Senior Deputy General Counsel; Larry J. Adkins, Deputy General Counsel; Julie M. Wilson, Assistant Counsel, National Treasury Employees Union, Washington, DC, for the petitioner.

James F. Blandford; William R. Tobey, Acting Solicitor, Federal Labor Relations Authority, Washington, DC, for the respondent.

Howard S. Scher; Peter D. Keisler, Assistant Attorney General; William Kanter, Department of Justice, Civil Division, Appellate Staff, Washington, DC; James N. DeStefano, Associate Chief Counsel; David Goldfarb, Assistant Chief Counsel; Caroline M. Blessey, Assistant Chief Counsel, United States Customs and Border Protection, United States Department of Homeland Security, Washington, DC, for the intervenor.

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**OPINION**

PER CURIAM:

We deny the petition for review for the reasons given by the D.C. Circuit in *National Treasury Employees Union v.*

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*Federal Labor Relations Authority*, 453 F.3d 506, 511-12 (D.C. Cir. 2006), whose rationale we adopt as our own.

**PETITION DENIED.**