

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

THE LANDS COUNCIL; WILD WEST  
INSTITUTE,  
*Plaintiffs-Appellants,*

v.

RANOTTA McNAIR, Forest  
Supervisor for the Idaho  
Panhandle National Forests;  
UNITED STATES FOREST SERVICE,  
*Defendants-Appellees,*

BOUNDARY COUNTY; CITY OF  
BONNERS FERRY; CITY OF MOYIE  
SPRINGS; EVERHART LOGGING, INC.;  
REGEHR LOGGING, INC.,  
*Defendants-Intervenors-  
Appellees.*

No. 07-35000  
D.C. No.  
CV-06-00425-EJL  
District of Idaho,  
Boise  
ORDER

Filed January 16, 2008

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**ORDER**

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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