

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

STATE OF WASHINGTON; SWINOMISH
INDIAN TRIBAL COMMUNITY; LUMMI
NATION; UPPER SKAGIT INDIAN
TRIBE; CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA INDIAN
NATION; TULALIP TRIBES; PORT
GAMBLE S'KLALLAM INDIAN TRIBE;
JAMESTOWN S'KLALLAM INDIAN
TRIBE,

Defendants-Appellees,

v.

SAMISH INDIAN TRIBE,
Movant-Appellant.

No. 08-35794

D.C. Nos.
2:01-sp-00002-RSM
2:70-cv-09213-RSM

ORDER

Filed August 19, 2009

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be heard en banc pursuant to Circuit Rule 35-3.

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