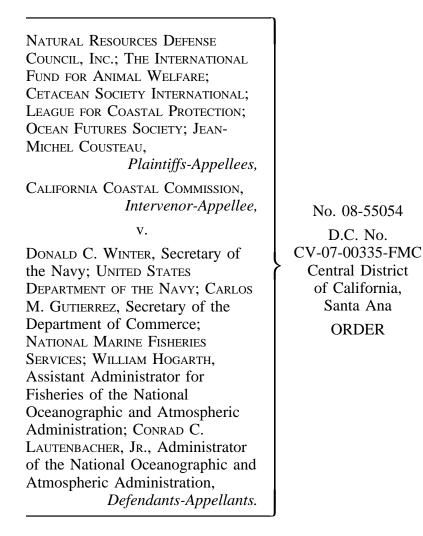
FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT



On Remand From The United States Supreme Court

Filed March 25, 2009

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Before: Betty B. Fletcher, Dorothy W. Nelson, and Stephen Reinhardt, Circuit Judges.

COUNSEL

Ronald J. Tenpas (argued), Acting Assistant Attorney General; Kathryn E. Kovacs, Michael R. Eitel, Luther L. Hajek, and Allen M. Brabender, Appellate Section, U.S. Department of Justice, Environment & Natural Resources Division, Washington, D.C.; Craig D. Jensen and J. Page Turney, Office of General Counsel, Department of the Navy, for the federal defendants-appellants.

Joel R. Reynolds, Andrew E. Wetzler, Cara A. Horowitz, Natural Resources Defense Council, Inc., Santa Monica, California; Richard B. Kendall (argued), Gregory A. Fayer, and Josh B. Gordon, Irell and Manella LLP, Los Angeles, California, for the plaintiffs-appellees.

Edmund G. Brown, Jr., Thomas Greene, J. Matthew Rodriguez, Gordon Burns, Jamee Jordan Patterson (argued), Office of the Attorney General of California, for intervener-appellee California Coastal Commission.

Theodore G. Meeker, Attorney at Law, Honolulu, Hawaii, for amicus curiae Honolulu Council of the Navy League of the United States.

David K. Mears, Environmental and Natural Resources Law Clinic, Vermont Law School, South Royalton, Vermont, for amicus curiae Law Professors Hope Babcock, David Cassuto, Stephen Dycus, James R. May, Ann Powers, and Gerald Torres.

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NRDC V. WINTER

ORDER

We remand to the district court to comply with the United States Supreme Court's decision in *Winter v. Natural Resources Defense Council, Inc.*, 129 S. Ct. 365 (2008).

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