

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

CITY AND COUNTY OF SAN FRANCISCO,

Intervenor-Plaintiff - Appellee,

v.

EDMUND G. BROWN, Jr., in his official capacity as Governor of California; et al.,

Defendants,

HAK-SHING WILLIAM TAM,

Intervenor-Defendant,

and

DENNIS HOLLINGSWORTH; et al.,

Intervenor-Defendants - Appellants.

No. 10-16696

D.C. No. 3:09-cv-02292-VRW
Northern District of California,
San Francisco

ORDER

KRISTIN M. PERRY; et al.,

Plaintiffs - Appellees,

No. 11-16577

D.C. No. 3:09-cv-02292-JW
Northern District of California,

CITY AND COUNTY OF SAN
FRANCISCO,

San Francisco

Intervenor-Plaintiff -
Appellee,

v.

EDMUND G. BROWN, Jr., in his official
capacity as Governor of California; et al.,

Defendants,

HAK-SHING WILLIAM TAM,

Intervenor-Defendant,

and

DENNIS HOLLINGSWORTH; et al.,

Intervenor-Defendants -
Appellants.

Before: REINHARDT, HAWKINS, and N.R. SMITH, Circuit Judges.

We deny as untimely the motion of Chuck Storey, County Clerk of Imperial County, to intervene as a Defendant-Appellant in these appeals. As a result, Storey is not entitled to petition for rehearing. *See Day v. Apoliona*, 505 F.3d 963, 964 (9th Cir. 2007) (“Under Federal Rule of Appellate Procedure 35(b), only a party to a matter before this court may petition for rehearing or rehearing en banc.”). We therefore dismiss his petition for rehearing en banc.