

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARTH ISLAND INSTITUTE, a
California non-profit corporation;
SEQUOIA FORESTKEEPER, a California
non-profit corporation; HEARTWOOD, an
Indiana non-profit corporation; CENTER
FOR BIOLOGICAL DIVERSITY, a New
Mexico non-profit corporation, and
SIERRA CLUB, a California non-profit
corporation,

Plaintiffs,

vs.

PRISCILLA SUMMERS,¹ in her capacity
as District Ranger, Hot Springs Ranger
District, Sequoia National Forest; UNITED
STATES FOREST SERVICE, an agency of
the U.S. Department of Agriculture; TOM
VILSAK,² in his official capacity as
Secretary of Agriculture; ABIGAIL
KIMBELL,³ in her official capacity as Chief
of the U.S. Forest Service,

Defendants.

No. 1:03-cv-06386-JKS

ORDER

¹ Priscilla Summers, District Ranger, Hot Springs Ranger District, Sequoia National Forest, is substituted for Dale Pengilly, District Ranger, Hot Springs Ranger District, Sequoia National Forest. Fed. R. Civ. P. 25(d).

² Tom Vilsak, Secretary of Agriculture, is substituted for Ann Veneman, Secretary of Agriculture. Fed. R. Civ. P. 25(d).

³ Abigail Kimbell, Chief of the U.S. Forest Service, is substituted for Dale Bosworth, Chief of the U.S. Forest Service. Fed. R. Civ. P. 25(d).

At Docket No. 125 the Court of Appeals for the Ninth Circuit remanded this matter for entry of judgment in accordance with the decision of the United States Supreme Court in *Summers v. Earth Island Institute*, 555 U.S. ____, 129 S.Ct. 1142 (2009). The decision of the Supreme Court having disposed of all remaining issues in favor of the Defendants,

IT IS THEREFORE ORDERED THAT the judgment entered in this case at Docket No. 78 is hereby VACATED.

IT IS FURTHER ORDERED THAT the complaint filed herein be, and the same hereby is, DISMISSED, in its entirety. Plaintiffs take nothing by way thereof, and judgment be entered thereon in favor of Defendants.

The Clerk of the Court to enter final judgment accordingly and close the case.

Dated: July 8, 2009.

/s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge