FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAN 06 2009

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

ALAN MERRIFIELD, an individual; URBAN WILDLIFE MANAGEMENT INC., a California corporation individually as successor in interest to Alan Merrifield dba Urban Wildlife Management; CALIFORNIA NUISANCE WILDLIFE CONTROL OPERATORS ASSOCIATION, a California non-profit corporation,	No. 05-16613 D.C. No. CV-04-00498-MMC Northern District of California, San Francisco
Plaintiffs - Appellants,	
v.	ORDER
BILL LOCKYER, Attorney General,	
Defendant,	
and	
KELLI OKUMA, Registrar of the California Structural Pest Control Board; GRETCHEN A. BRIGAMAN, Protest Officer of the California Department of Transportation; JEAN MELTON, Member of the California Structured Pest Control Board; BILL MORRIS, Member of the California Structural Pest Control Board; MICHAEL ROTH, Member of the California Structural Pest Control Board; MUSTAPHA SESAY, Member of the California Structural Pest Control Board; THURMAN, Member of the California Structural Pest Control Board; KENNETH	

L. TRONGO Member of the California
Structural Pest Control Board,

Defendants - Appellees.

Before: O'SCANNLAIN, HAWKINS, and WARDLAW, Circuit Judges.

The panel has voted to deny the petition for panel rehearing and to deny the petition for rehearing en banc. Judges O'Scannlain and Wardlaw voted to deny the petition for rehearing and to deny the petition for rehearing en banc. Judge Hawkins voted to grant the petition for panel rehearing and to grant the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are denied. No further petitions for panel rehearing or petitions for rehearing en banc may be filed.