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1 2 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE NORTHERN DISTRICT OF CALIFORNIA 6 Case No. 07-3758-SC VETERANS FOR COMMON SENSE and 7 VETERANS UNITED FOR TRUTH, INC., ORDER DISMISSING CASE 8 Plaintiffs, 9 v. 10 ERIC K. SHINSEKI, Secretary of 11 Veterans Affairs, et al., 12 Defendants. 13 14

On June 25, 2008, this Court issued a decision which dismissed the instant case, in part for lack of jurisdiction and in part on the merits. ECF No. 238 ("Decision") (published as Veterans for Common Sense v. Peake, 563 F. Supp. 2d 1049 (N.D. Cal. 2008)).

Plaintiffs Veterans for Common Sense and Veterans United for Truth, Inc. (collectively, "Plaintiffs") appealed to the Ninth Circuit Court of Appeals. ECF No. 242. A three-judge appellate panel affirmed this Court's decision in part, reversed it in part, and remanded for further proceedings. Veterans for Common Sense v. Shinseki, 644 F.3d 845 (9th Cir. 2011). Before remand, however, the Ninth Circuit granted Defendants' motion for rehearing en banc.

¹ Plaintiffs sued individual Defendants, including the lead defendant, James B. Peake, Secretary of Veterans Affairs, in their official capacities. A different person, Eric K. Shinseki, now occupies the office formerly held by Mr. Peake. The Court has updated the case caption accordingly.

1	See ECF No. 276 (published as <u>Veterans</u> for Common Sense v.
2	Shinseki, 663 F.3d 1033 (9th Cir. 2011)). On May 7, 2012, the
3	Ninth Circuit en banc panel affirmed this Court's decision in part,
4	reversed it in part, and remanded the case, this time with
5	instructions to dismiss it. ECF No. 279 (published as <u>Veterans for</u>
6	Common Sense v. Shinseki, 678 F.3d 1013 (9th Cir. 2012)). On July
7	2, 2012, the Ninth Circuit entered a formal mandate giving effect
8	to its May 7 judgment. ECF No. 281. The mandate was filed in this
9	Court's docket on July 18, 2012. <u>See</u> <u>id.</u>
10	Pursuant to the mandate of the Ninth Circuit, this Court
11	hereby DISMISSES the instant case.
12	
13	IT IS SO ORDERED.
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15	Dated: July 20, 2012

UNITED STATES DISTRICT JUDGE