

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 12 2024

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

In re: UNITED STATES OF AMERICA

UNITED STATES OF AMERICA, et al.;

Petitioners,

v.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON,
EUGENE,

Respondent,

STATE OF ALABAMA,

Defendant,

XIUHTEZCATL TONATIUH M., through
his Guardian Tamara Roske-Martinez, et al.;

Real Parties in Interest,

THE NATIONAL ASSOCIATION OF
MANUFACTURERS, et al.;

Intervenors,

ENVIRONMENTAL JUSTICE CLINIC -
UNIVERSITY OF MIAMI SCHOOL OF
LAW, et al.;

No. 24-684

D.C. No.
6:15-cv-1517

Portland

ORDER

Amici Curiae.

Before: BENNETT, R. NELSON, and MILLER, Circuit Judges.

Judge Bennett, Judge R. Nelson, and Judge Miller all voted to deny the motion for rehearing or reconsideration en banc. Dkt. No. 27.1. The motion was distributed to the full court on June 20, 2024, and no judge requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The motion for rehearing or reconsideration en banc is DENIED. The motion to vacate the May 1, 2024 order and recall the mandate, Dkt. No. 26.1, is also DENIED.