

FILED

UNITED STATES COURT OF APPEALS

MAY 13 2011

FOR THE NINTH CIRCUIT

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

DAVID P. ADAM; et al.,

Plaintiffs - Appellants,

v.

KEN SALAZAR, Secretary of the U.S.
Department of the Interior,

Defendant - Appellee.

No. 09-17091

D.C. No. 4:98-cv-02094-CW
Northern District of California,
Oakland

ORDER

Before: REINHARDT and BERZON, Circuit Judges, and POLLAK, Senior District Judge.*

The panel has voted unanimously to deny the petition for rehearing. Judges Reinhardt and Berzon have voted to deny the petition for rehearing en banc and Judge Pollak has recommended denying it. 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 petitions for rehearing and rehearing en banc are denied.

* The Honorable Louis H. Pollak, Senior District Judge for the U.S. District Court for Eastern Pennsylvania, Philadelphia, sitting by designation.