

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 13 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

RANCHERS CATTLEMEN ACTION
LEGAL FUND UNITED
STOCKGROWERS OF AMERICA,

Plaintiff - Appellee,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE, Animal and Plant
Health Inspection Service; MIKE
JOHANNNS, in his capacity as the
Secretary of Agriculture,

Defendants - Appellants.

No. 05-35264

DC No. CV 05-0006 RFC

D. Mont.

ORDER

Before: TASHIMA, PAEZ, and CALLAHAN, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judges Paez and Callahan vote to deny the petition for rehearing en banc and Judge Tashima so recommends. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. *See Fed. R. App. P. 35(f).*

The petition for panel rehearing and the petition for rehearing en banc are denied.