

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 05 2012

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

THOMAS E. CREECH; JAMES H
HAIRSTON; RICHARD A. LEAVITT;
GENE F. STUART,

Plaintiffs - Appellants,

v.

BRENT REINKE, Director, Idaho
Department of Correction; KEVIN
KEMPF, Chief, Operations Division,
Idaho Department of Correction; JEFF
ZMUDA, Deputy Chief, Bureau of
Prisons, Idaho Department of Correction;
JOSH TEWALT, Deputy Chief, Bureau of
Prisons, Idaho Department of Correction;
RANDY BLADES, Warden, Warden,
Idaho Maximum Security Institution,
Idaho Department of Correction,

Defendants - Appellees.

No. 12-35453

D.C. No. 1:12-cv-00173-EJL
District of Idaho,
Boise

ORDER

Before: GOULD, BYBEE, and BEA, Circuit Judges

Mr. Leavitt's motion to dismiss his appeal is granted. Each side shall bear its own costs. The copy of this order shall constitute the mandate of this court.