

FILED

UNITED STATES COURT OF APPEALS

JUN 05 2012

FOR THE NINTH CIRCUIT

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.