

## UNITED STATES COURT OF APPEALS

JUN 10 2012

## FOR THE NINTH CIRCUIT

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

THE ASSOCIATED PRESS, a New York corporation; IDAHO STATESMAN PUBLISHING, LLC, a Delaware limited liability company doing business as The Idaho Statesman; LEE ENTERPRISES, INCORPORATED, a Delaware corporation doing business as The Times-News; THE IDAHO PRESS CLUB, INC., an Idaho corporation; PIONEER NEWSPAPERS, INC., a Nevada corporation doing business as Idaho Press-Tribune, Idaho State Journal, Standard Journal, Teton Valley News, The News-Examiner, The Preston Citizen, and Messenger Index; TPC HOLDINGS, INC., an Idaho corporation doing business as Lewiston Tribune and Moscow-Pullman Daily News; BAR BAR INC., an Idaho corporation doing business as Boise Weekly; COWLES PUBLISHING COMPANY, a Washington corporation doing business as The Spokeman Review; IDAHOANS FOR OPENNESS IN GOVERNMENT, INC., an Idaho non-profit corporation,

Plaintiffs - Appellants,

v.

C.L. "BUTCH" OTTER, in his official capacity as the Governor of the State of Idaho; ROBIN SANDY, in her official capacity as the Idaho Board of

No. 12-35456

D.C. No. 1:12-cv-00255-EJL  
District of Idaho,  
Boise

ORDER

Corrections; HOWARD G. “J.R.” VAN TASSEL, in his official capacity as the Idaho Board of Correction; JAY NIELSEN, in his official capacity as the Idaho Board of Correction; BRENT REINKE, in his official capacity as the Director of the Idaho Department of Correction; KEVIN KEMPF, in his official capacity as Division Chief of Operations of the Idaho Department of Correction,

Defendants - Appellees.

Before: THOMAS, Circuit Judge and En Banc Coordinator

No petition for rehearing or rehearing en banc was filed in this case. A deadline was set by which any judge could request *sua sponte* a vote on whether the panel’s opinion should be reheard en banc. No judge has requested a vote within the time period. Accordingly, en banc proceedings are concluded, and the panel’s opinion is the final order of this Court.