

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 27 2017

FOR THE NINTH CIRCUIT

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

MOUNTAIN WEST HOLDING CO., INC.,

No. 14-36097

Plaintiff-Appellant,

D.C. No. 1:13-cv-00049-DLC

v.

ORDER AMENDING

THE STATE OF MONTANA; et al.,

Defendants-Appellees,

and

PATTI MCCUBBINS, MDT's Civil Rights
Bureau Chief and DBE Liaison Officer;
named only in her official capacity,

Defendant.

MOUNTAIN WEST HOLDING CO., INC.,

No. 15-35003

Plaintiff-Appellee,

D.C. No. 1:13-cv-00049-DLC

v.

THE STATE OF MONTANA; et al.,

Defendants-Appellants,

and

PATTI MCCUBBINS, MDT's Civil Rights
Bureau Chief and DBE Liaison Officer;
named only in her official capacity,

Defendant.

Before: LEAVY and FRIEDLAND, Circuit Judges, and BENITEZ,* District
Judge.

The final sentence on page 5, paragraph 3 of the Memorandum Disposition
filed on May 16, 2017 is amended to read as follows: "Although the report was
authenticated after it was filed, the district court made a reasonable decision to
admit and consider it, and it seems Montana suffered no prejudice as a result."

With that amendment, the panel unanimously votes to deny the petition for
panel rehearing. Judge Friedland has voted to deny the petition for rehearing en
banc. Judges Leavy and Benitez recommend denial of the petition for rehearing en
banc. 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**. No further
petitions shall be entertained.

* The Honorable Roger T. Benitez, United States District Judge for the
Southern District of California, sitting by designation.

Mountain West Holding Company's request to designate the Memorandum
Disposition for publication is also **DENIED**.