

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

GLEN SCOTT MILNER, <i>Plaintiff-Appellant,</i> v. UNITED STATES DEPARTMENT OF THE NAVY, <i>Defendant-Appellee.</i>
---

No. 07-36056  
D.C. No.  
CV-06-01301-JCC  
Western District of  
Washington,  
Seattle  
ORDER

Filed May 11, 2011

On Remand From The United States Supreme Court

Before: William A. Fletcher, Ronald M. Gould and  
Richard C. Tallman, Circuit Judges.

---

**ORDER**

This case returns to us on remand from the Supreme Court of the United States. *Milner v. Dept. of the Navy*, 575 F.3d 959 (9th Cir. 2009), *reversed and remanded by* 131 S. Ct. 1259 (2011). We, in turn, reverse and remand to the district court for further proceedings on an open record consistent with the Supreme Court's opinion.

REVERSED and REMANDED.