

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

CHANTELL SACKETT; MICHAEL SACKETT, <i>Plaintiffs-Appellants,</i> v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; LISA P. JACKSON, Administrator,* <i>Defendants-Appellees.</i>
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No. 08-35854  
D.C. No.  
2:08-cv-00185-EJL  
District of Idaho,  
Boise  
ORDER

On Remand from the United States Supreme Court

Filed May 3, 2012

Before: Ronald M. Gould and Richard C. Tallman,  
Circuit Judges.\*\*

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**ORDER**

Pursuant to the Opinion of the Supreme Court in *Sackett v. Environmental Protection Agency*, No. 10-1062, 132 S.Ct. 1367 (2012), the district court's grant of Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) is REVERSED, and the matter is REMANDED for proceedings consistent with the Supreme Court's Opinion.

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\*Lisa P. Jackson is substituted for her predecessor, Steven L. Johnson, as Administrator. *See* Fed. R. App. P. 43(c)(2).

\*\*The late Robert R. Beezer was a member of this panel and is deceased. Judges Gould and Tallman have agreed to remand by a two-judge order.

The mandate shall issue forthwith. *See* Fed. R. App. P. 41(b).