

FOR PUBLICATION

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

RONALD OERTWICH,
Plaintiff-Appellant,

v.

TRADITIONAL VILLAGE OF
TOGIAC, AKA Community of
Togiak, AKA Native Village
of Togiak, AKA Traditional
Council of Togiak; JIMMY
COOPCHIAK; LEROY
NANALOOK; ANECIA KRITZ;
ESTHER THOMPSON; JOHN
NICK; WILLIE WASSILLIE;
HERBERT JR. LOCKUK;
WILLIE ECHUCK, JR.; CRAIG
LOGUSAK, in their individual
and official capacities; PAUL
MARKOFF; PETER LOCKUK,
SR.; BOBBY COOPCHIAK,
Defendants-Appellees.

No. 19-36029

D.C.

No. 3:19-cv-00082-JWS

ORDER

Appeal from the United States District Court
for the District of Alaska
John W. Sedwick, District Judge, Presiding

Argued and Submitted June 15, 2021
Anchorage, Alaska

Filed July 28, 2022

Before: Johnnie B. Rawlinson, Morgan Christen, and
Ryan D. Nelson, Circuit Judges.

Order

COUNSEL

David H. Tennant (argued), Law Office of David Tennant PLLC, Rochester, New York; Andy L. Pevehouse, Kenai Law Group LLC, Kenai, Alaska; for Plaintiff-Appellant.

Whitney A. Leonard (argued), Rebecca A. Patterson, Richard D. Monkman, and Nathaniel Amdur-Clark, Sonosky Chambers Sachse Miller Monkman LLP, Anchorage, Alaska, for Defendants-Appellees.

ORDER

Pursuant to the Notification of Death of Appellant (Docket Entry No. 74), this court entered an order requiring the filing of a motion to substitute a personal representative for the decedent within thirty (30) days (Docket Entry No. 75). At the request of Appellant's counsel, we entered an order granting an extension (Docket No. 78) to no later than July 11, 2022. To date, no request to substitute a personal representative has been filed. Accordingly, we **WITHDRAW** the Opinion filed March 30, 2022, *Oertwich*

v. Traditional Village of Togiak, 29 F.4th 1108 (9th Cir. 2022), and **DISMISS** this appeal. This Order shall constitute the mandate in this case.

The Petition for Panel Rehearing (Docket No. 71) is **DENIED** as moot.