

FOR PUBLICATION

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

UNITED STATES OF AMERICA,
Plaintiff-Appellant,

v.

STATE OF WASHINGTON; JAY
ROBERT INSLEE, in his official
capacity as Governor of the State of
Washington; JOEL SACKS, in his
official capacity as Director of the
Washington State Department of
Labor and Industries; WASHINGTON
STATE DEPARTMENT OF LABOR &
INDUSTRIES,

Defendants-Appellees.

No. 19-35673

D.C. No.
4:18-cv-05189-
SAB

ORDER

On Remand from the United States Supreme Court

Filed August 2, 2022

Before: Richard C. Clifton and Milan D. Smith, Jr., Circuit
Judges, and James Donato, * District Judge.

Order

* The Honorable James Donato, United States District Judge for the Northern District of California, sitting by designation.

COUNSEL

John S. Koppel and Mark B. Stern, Appellate Staff; Bill Hyslop, United States Attorney; Civil Division, United States Department of Justice, Washington, D.C.; for Plaintiff-Appellant.

Noah G. Purcell, Solicitor General; Anastasia Sandstrom, Senior Counsel; Paul Wiedeman, Assistant Attorney General; Robert W. Ferguson, Attorney General; Office of the Attorney General, Olympia, Washington; for Defendants-Appellees.

ORDER

On June 21, 2022, the Supreme Court issued its opinion in this case, reversing our prior judgment in *United States v. Washington*, 971 F.3d 856 (9th Cir.), *amended*, 994 F.3d 994 (9th Cir. 2020). *See United States v. Washington*, 142 S. Ct. 1976 (2022). Therefore, we **VACATE** the district court's grant of summary judgment in favor of defendants and **REMAND** for further proceedings consistent with the Supreme Court's opinion. This order shall act as and for the mandate of this court.

IT IS SO ORDERED.