

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 17 2022

FOR THE NINTH CIRCUIT

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

APACHE STRONGHOLD, a 501(c)(3)
nonprofit organization,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA;
THOMAS J. VILSACK, Secretary, U.S.
Department of Agriculture (USDA);
RANDY MOORE, Chief, USDA Forest
Service; NEIL BOSWORTH, Supervisor,
USDA Forest Service, Tonto National
Forest; TOM TORRES, Acting Supervisor,
USDA Forest Service, Tonto National
Forest,

Defendants-Appellees.

No. 21-15295

D.C. No. 2:21-cv-00050-SPL
District of Arizona,
Phoenix

ORDER

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated.