

**FILED**

**JUN 04 2007**

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

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

ANIMAL LEGAL DEFENSE FUND;  
ANIMAL WELFARE INSTITUTE;  
VALERIE BUCHANAN; JANE  
GARRISON; NANCY MEGNA,

Plaintiffs - Appellants,

NATIONAL ASSOCIATION FOR  
BIOMEDICAL RESEARCH,

Intervenor - Appellee,

V.

ANN M. VENEMAN; BOBBY R.  
ACORD; CHESTER A. GIPSON,

Defendants - Appellees.

No. 04-15788

D.C. No. CV-03-03400-PJH

ORDER

Before: SCHROEDER, Chief Judge, Hawkins, Thomas, Silverman, McKeown,  
Wardlaw, Fisher, Gould, Paez, Tallman, Clifton, Bybee, Callahan, Bea, and Ikuta,  
Circuit Judges.

Appellant's motion to dismiss is GRANTED. The appeal is DISMISSED  
with prejudice, each party to bear its own costs. The opinion of the three-judge  
panel opinion, reported at 469 F.3d 826 (9th Cir. 2006), is VACATED.