

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

ELLIOT M. KATZ; IN DEFENSE OF
ANIMALS,
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA;
CORBIN LEE, Major; BRIAN
O'NEILL; STEVEN PARKER, Sergeant;
GLYNN C. MALLORY, JR., General,

Defendants,

and

DONALD SAUCIER, Private,
Defendant-Appellant.

Filed August 23, 2001

Before: David R. Thompson and Susan P. Graber,
Circuit Judges, and Earl H. Carroll, District Judge.¹

No. 98-16298

D.C. No.
CV-94-03466-DLJ

ORDER

ORDER

By the mandate of the Supreme Court in Saucier v. Katz,
533 U.S. _____, 121 S. Ct. 2151 (2001), the judgment of this
court, 194 F.3d 962, is reversed. Accordingly, the judgment
of the district court denying the defendant Saucier's motion
for summary judgment is reversed, and the case is remanded
to the district court for further proceedings consistent with the
Supreme Court's opinion.

¹ The Honorable Earl H. Carroll, United States Senior District Judge for
the District of Arizona, sitting by designation.