

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

KATIE JOHN; DORIS CHARLES;  
MENTASTA VILLAGE COUNCIL;  
ALASKA FEDERATION OF NATIVES,  
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA; BRUCE  
BABBITT, in his official capacity as  
Secretary of Interior; DANIEL  
GLICKMAN, in his official capacity

as Secretary of Agriculture; and  
DANIEL DEMIENTIEFF, NILES CESAR,  
FRAN CHERRY, ROBERT BARBEE,  
DAVE ALLEN, and RICK CABLES, in

their capacities as members of the  
Federal Subsistence Board,  
Defendants-Appellees,

and

STATE OF ALASKA and FRANK RUE,  
in his capacity as Commissioner  
of the Alaska Department of Fish  
and Game,  
Defendants-Appellants.

Filed July 14, 2000

Before: Procter Hug, Jr., Chief Judge.

No. 00-35121

D.C. No.  
CV-90-00484-HRH

ORDER

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**ORDER**

Upon the vote of a majority of nonrecused regular active  
judges of this court,<sup>1</sup> it is ordered that this case be heard by

the en banc court pursuant to Circuit Rule 35-3.

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**1** Judge Fisher was recused.

8534