

FOR PUBLICATION

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

ROBERTA BUGENIG, )  
 ) No. 99-15654  
 Plaintiff-Appellant, )  
 ) DC No. CV-98-03409-CW  
 v. )  
 )  
 HOOPA VALLEY TRIBE; THE ) ORDER  
 HOOPA VALLEY TRIBAL )  
 COUNCIL; THE TRIBAL COURT )  
 OF THE HOOPA VALLEY TRIBAL )  
 RESERVATION; BYRON NELSON, )  
 Jr., HONORABLE JUDGE OF THE )  
 HOOPA VALLEY TRIBAL COURT; )  
 MERV GEORGE, CHAIRMAN OF )  
 THE HOOPA VALLEY TRIBAL )  
 COUNCIL, )  
 )  
 Defendants-Appellees. )  
 \_\_\_\_\_)

Filed February 28, 2001

BEFORE: SCHROEDER, Chief Judge.

Upon the vote of a majority of nonrecused regular active judges of this court,<sup>1</sup> it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by

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<sup>1</sup>Judge Fisher was recused.

or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.