

FILED

UNITED STATES COURT OF APPEALS

OCT 31 2014

FOR THE NINTH CIRCUIT

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

ALASKA COMMUNITY ACTION ON
TOXICS and ALASKA CHAPTER OF
THE SIERRA CLUB,

Plaintiffs - Appellants,

v.

AURORA ENERGY SERVICES, LLC
and ALASKA RAILROAD
CORPORATION,

Defendants - Appellees.

No. 13-35709

D.C. No. 3:09-cv-00255-TMB

District of Alaska,
Anchorage

ORDER

Before: FARRIS, D.W. NELSON, and NGUYEN, Circuit Judges.

The panel has voted to deny the petition for panel rehearing. Judge Nguyen votes to deny the petition for rehearing en banc and Judges Farris and Nelson so recommend.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P.

35.

The petition for panel rehearing and the petition for rehearing en banc are denied.