

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 01 2004

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

No. 02-16508

D.C. No. CV-01-00248-DFL

ARTICHOKE JOE'S; CALIFORNIA
GRAND CASINO; FAIRFIELD YOUTH
FOUNDATION; LUCKY CHANCES, INC.;
OAKS CLUB ROOM; and SACRAMENTO
CONSOLIDATED CHARITIES,

Plaintiffs - Appellants,

v.

GALE A. NORTON, Secretary of Interior;
JAMES MCDIVITT, Acting Assistant
Secretary of Interior; ARNOLD
SCHWARZENEGGER, Governor of
California; BILL LOCKYER, Attorney
General, Attorney General of California;
HARLAN W. GOODSON, Director of
California Division of Gambling Control;
JOHN E. HENSLEY, Chair, California
Gambling Control Commission; MICHAEL
C. PALMER, J. K. SASAKI, and ARLO
SMITH, Members, California Gambling
Control Commission,

Defendants - Appellees.

ORDER

Post-it: Fax Note	7671	Date	# of pages
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Before: REINHARDT and GRABER, Circuit Judges, and RHOADES,* District Judge.

* The Honorable John S. Rhoades, Sr., Senior United States District Judge for the Southern District of California, sitting by designation.

Judges Reinhardt and Graber have voted to deny the petition for rehearing, and Judge Rhoades has voted to grant it. Judges Reinhardt and Graber have voted to deny the petition for rehearing en banc, and Judge Rhoades has recommended granting it.

The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on it.

The petition for rehearing and petition for rehearing en banc are DENIED.