

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

NOV 17 2022

**FOR THE NINTH CIRCUIT**

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

APACHE STRONGHOLD, a 501(c)(3)  
nonprofit organization,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA;  
THOMAS J. VILSACK, Secretary, U.S.  
Department of Agriculture (USDA);  
RANDY MOORE, Chief, USDA Forest  
Service; NEIL BOSWORTH, Supervisor,  
USDA Forest Service, Tonto National  
Forest; TOM TORRES, Acting Supervisor,  
USDA Forest Service, Tonto National  
Forest,

Defendants-Appellees.

No. 21-15295

D.C. No. 2:21-cv-00050-SPL  
District of Arizona,  
Phoenix

**ORDER**

**MURGUIA**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated.