

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 07-5080

September Term 2008

06cv00306

Filed On: July 1, 2009

Scott Tooley,

Appellant

v.

Janet Ann Napolitano, Homeland Security
Secretary, in her official capacity, et al.,

Appellees

BEFORE: Sentelle, Chief Judge, and Ginsburg, Henderson, Rogers, Tatel,
Garland, Brown, Griffith, and Kavanaugh*, Circuit Judges, and
Williams, Senior Circuit Judge

ORDER

Upon consideration of the petition for rehearing en banc and the response thereto, and the order setting this matter for panel rehearing, it is

ORDERED that the petition be dismissed as moot. A new period for petitioning for en banc review will begin to run following entry of a new panel judgment.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

* Circuit Judge Kavanaugh did not participate in this matter.