

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 30 2005

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

JOSEPH A. PAKOOTAS, an individual
and enrolled member of the Confederated
Tribes of the Colville Reservation;
DONALD R. MICHEL, an individual and
enrolled member of the Confederated
Tribes of the Coville Reservation; STATE
OF WASHINGTON,

Plaintiffs - Appellees,

v.

TECK COMINCO METALS, LTD., a
Canadian corporation,

Defendant - Appellant.

No. 05-35153

D.C. No. CV-04-00256-AAM
Eastern District of Washington,
Spokane

ORDER

Before: GOULD and BERZON, Circuit Judges, and SCHWARZER,* District
Judge.

The Petition for Rehearing is DENIED.

The full court has been advised of the Petition for Rehearing En Banc and
no judge of the court has requested a vote on the Petition for Rehearing En Banc.
Fed. R. App. P. 35. Appellant's Petition for Rehearing En Banc is also DENIED.

* The Honorable William W Schwarzer, Senior United States District
Judge for the Northern District of California, sitting by designation.