

FILED

UNITED STATES COURT OF APPEALS

FEB 02 2012

FOR THE NINTH CIRCUIT

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

WILEY S. DRAKE; MARKHAM  
ROBINSON,

Plaintiffs - Appellants,

and

Ambassador ALAN KEYES, Ph. D.;  
Captain PAMELA BARNETT; Lieutenant  
Colonel RICHARD NORTON  
BAUERBACH; Captain ROBIN D.  
BIRON; Colonel JOHN D. BLAIR; Mr.  
DAVID L. BOSLEY; Ms. LORETTA G.  
BOSLEY; Captain HARRY G. BUTLER;  
Representative GLENN CASADA,  
Tennessee; JENNIFER LEAH CLARK;  
Representative TIMOTHY  
COMERFORD, New Hampshire;  
CHARLES CRUSEMIRE; Representative  
CYNTHIA DAVIS, Missouri; Chief  
Warrant Officer THOMAS S.  
DAVIDSON; MATTHEW MICHAEL  
EDWARDS; Lieutenant JASON FREESE;  
Mr. KURT C. FUQUA; Officer CLINT  
GRIMES; JULLIETT IRELAND; D.  
ANDREW JOHNSON; ISRAEL D.  
JONES; State Representative TIMOTHY  
JONES, Esq., Missouri; Commander  
DAVID FULLMER LAROQUE; GAIL  
LIGHTFOOT; MIL Officer LITA M.  
LOTT, U.S. Army; Major DAVID  
GRANT MOSBY; MSGT STEVEN KAY  
NEUENSCHWANDER; State  
Representative FRANK NICELEY,

No. 09-56827

D.C. No. 8:09-cv-00082-DOC-AN  
Central District of California,  
Santa Ana

ORDER

Tennessee; Retired Senator JERRY O'NEIL, Montana; SFC E7 ROBERT LEE PERRY; Colonel HARRY RILEY; Sergeant JEFFREY WAYNE ROSNER; MSGT JEFFREY SCHWILK; Captain DAVID SMITHEY; Lieutenant Commander JOHN BRUCE STEIDEL; Commander DOUGLAS EARL STOEPPELWERTH; THOMAS J. TAYLOR; Representative ERIC SWAFFORD, Tennessee; Captain NEIL B. TURNER; RICHARD E. VENABLE; LCDR JEFF GRAHAM WINTHROPE; Lieutenant Colonel MARK WRIGGLE,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA; MICHELLE L.R. OBAMA; HILLARY RODHAM CLINTON, Secretary of State; ROBERT M. GATES, Secretary of Defense; JOSEPH R. BIDEN, Vice President and President of the Senate,

Defendants - Appellees.

Before: PREGERSON, FISHER, and BERZON, Circuit Judges.

The petitions for panel rehearing and rehearing en banc filed by Plaintiffs-Appellants Wiley S. Drake and Markham Robinson are DENIED.