

FILED

UNITED STATES COURT OF APPEALS

DEC 14 2009

FOR THE NINTH CIRCUIT

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

STEVE TRUNK,

Plaintiff,

and

JEWISH WAR VETERANS OF THE
UNITED STATES OF AMERICA, INC.;
RICHARD A. SMITH; MINA SAGHEB;
JUDITH M. COPELAND,

Plaintiffs - Appellants,

v.

CITY OF SAN DIEGO; UNITED
STATES OF AMERICA; ROBERT M.
GATES, Secretary of Defense,

Defendants - Appellees.

No. 08-56415

D.C. Nos. 3:06-cv-01597-LAB-WMC
3:06-cv-01728-LAB-WMC

Southern District of California,
San Diego

ORDER

STEVE TRUNK, PHILIP K. PAULSON,,

Plaintiff - Appellant,

and

RICHARD A. SMITH; MINA SAGHEB;
JUDITH M. COPELAND; JEWISH WAR
VETERANS OF THE UNITED STATES
OF AMERICA, INC.,

No. 08-56436

D.C. Nos. 3:06-cv-01597-LAB-WMC
3:06-cv-01728-LAB-WMC

Southern District of California,
San Diego

Plaintiffs,

v.

CITY OF SAN DIEGO; UNITED STATES OF AMERICA; MOUNT SOLEDAD MEMORIAL ASSOCIATION, Real parties in interest; ROBERT M. GATES, Secretary of Defense, in his official capacity,

Defendants - Appellees.

Before: PREGERSON, McKEOWN and PAEZ, Circuit Judges.

This case is hereby withdrawn from submission pending the Supreme Court's decision in Salazar v. Buono, No. 08-472.