

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

AUG 3 2020

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

OAKLAND BULK & OVERSIZED  
TERMINAL, LLC,

Plaintiff-Appellee,

v.

CITY OF OAKLAND,

Defendant-Appellant,

and

SIERRA CLUB and SAN FRANCISCO  
BAYKEEPER,

Intervenor-Defendants-  
Appellants.

Nos. 18-16105, 18-16141

D.C. No. 3:16-cv-07014-VC

ORDER

Before: Carlos T. Bea and Kenneth K. Lee, Circuit Judges, and Lawrence L. Piersol,\* District Judge

Judges Bea and Lee have voted to deny the appellants' petitions for panel rehearing (Dkt. Nos. 105, 106). Judge Piersol has voted to grant the petitions for panel rehearing. Judge Lee has voted to deny the petitions for rehearing en banc

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\* The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota, sitting by designation.

(Dkt. Nos. 105, 106), and Judge Bea has so recommended. Judge Piersol has recommended that the petitions for rehearing en banc be granted.

The full court has been advised of the suggestion for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are therefore DENIED.