

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAR 31 2009

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

BRIAN CARR,

Plaintiff - Appellant,

v.

SAM REED, in his official capacity as Secretary of State of the State of Washington; ROB MCKENNA, in his official capacity as Attorney General of the State of Washington ROBERT L. HARRIS, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; JOHN F. NICHOLS, Judge representing in his official capacity as representatives of the State of Washington and separately as private individuals; BARBARA D. JOHNSON, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; KENNETH EIESLAND, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; RICH MELNICK, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; JOHN HAGENSEN, representing in his official capacity as representatives of the State of Washington and separately as private individuals; KELLI E. OSLER, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; JOEL PENOYAR, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; C. C. BRIDGEWATER, Judge, representing in his official capacity as representatives of the State of Washington

No. 07-35962

D.C. No. CV-07-05260-RJB

Western District of Washington,  
Tacoma

**MANDATE**

and separately as private individuals; ROBIN J. HUNT, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; GERRY L. ALEXANDER, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; BARBARA MADSEN, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; MARY E. FAIRHURST, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; SUSAN OWENS, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; JAMES M. JOHNSON, Judge, representing in his official capacity as representatives of the State of Washington and separately as private individuals; WANDA BRIGGS,

Defendants - Appellees.

The judgment of this Court, entered 03/03/2009, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

/s/  
By: Theresa Benitez  
Deputy Clerk