

FILED

NOT FOR PUBLICATION

JAN 21 2011

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

STEVE KELLY; CLARICE DREYER,

No. 10-35174

Plaintiffs - Appellants,

D.C. No. 2:08-cv-00025-SEH

v.

O R D E R

**LINDA McCULLOCH, in her official
capacity as Secretary of State of the State
of Montana,**

Defendant - Appellee.

**Before: W. FLETCHER and FISHER, Circuit Judges, and JONES,*
District Judge.**

**Appellants' motion for reassignment to a new district judge upon remand is
hereby DENIED.**

***The Honorable James P. Jones, United States District Judge for the Western
District of Virginia, sitting by designation.**