

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 08-3106

Tony Nenninger,

Appellant

v.

United States Forest Service, et al.,

Appellees

Appeal from U.S. District Court for the Western District of Arkansas - Harrison
(3:07-cv-03028-JLH)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Shepherd did not participate in the consideration or decision of this matter.

February 10, 2010

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans