

FILED

UNITED STATES COURT OF APPEALS

SEP 19 2011

FOR THE NINTH CIRCUIT

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

THE IDAHO REPUBLICAN PARTY, Its
Executive Committee and Its State Central
Committee and NORMAN SEMANKO,
Chairman and Executive Director
(Formally Sidney S. Smith),

Plaintiffs - Appellees,

v.

BEN YSURSA, In his official capacity as
Secretary of the State of Idaho,

Defendant,

and

JOHN HAIGHT; et al.,

Intervenor-Defendants -
Appellants.

No. 11-35251

D.C. No. 1:08-cv-00165-BLW
District of Idaho,
Boise

ORDER

Before: HAWKINS, CLIFTON, and IKUTA, Circuit Judges.

Appellees' motion to dismiss this case as moot is granted. *See Chem.*

Producers and Distrib. Ass'n v. Helliker, 463 F.3d 871, 878 (9th Cir. 2006) (noting

“a near categorical rule of mootness” in cases of statutory amendment); *Native Vill.*

of Noatak v. Blatchford, 38 F.3d 1505, 1510 (9th Cir. 1994) (“As a general rule, if

a challenged law is repealed or expires, the case becomes moot. The exceptions to this general line of holdings are rare and typically involve situations where it is virtually certain that the repealed law will be reenacted.”).

“Where a case becomes moot on appeal, the ‘established practice’ is to reverse or vacate the decision below with a direction to dismiss.” *NASD Dispute Resolution, Inc. v. Judicial Council of the State of CA*, 488 F.3d 1065, 1068 (9th Cir. 2007) (internal citations omitted). *See United States v. Munsingwear, Inc.*, 340 U.S. 36, 39 (1950). Accordingly, we vacate the district court’s judgment and remand with instructions to dismiss the case.

VACATED AND REMANDED.