

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-13829  
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FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
MAY 07, 2010  
JOHN LEY  
CLERK

D. C. Docket No. 02-80309 CV-CMA

FRIENDS OF THE EVERGLADES,  
FLORIDA WILDLIFE FEDERATION,

Plaintiffs-  
Counter-Defendants-  
Appellees  
Cross-Appellants,

FISHERMEN AGAINST DESTRUCTION OF THE ENVIRONMENT,

Plaintiff-  
Counter-Defendant  
Appellee,

MICCOSUKEE TRIBE OF INDIANS OF FLORIDA,

Intervenor-Plaintiff-  
Counter-Defendant-  
Appellee  
Cross-Appellant,

versus

SOUTH FLORIDA WATER MANAGEMENT DISTRICT,

Defendant-  
Counter-Claimant-  
Cross-Appellee,

CAROL WEHLE, Executive Director,

Defendant-  
Appellant,

UNITED STATES OF AMERICA,  
U.S. SUGAR CORPORATION,

Intervenor-Defendants-  
Appellants.

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Appeal from the United States District Court  
for the Southern District of Florida

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Before DUBINA, Chief Judge, TJOFLAT, EDMONDSON, BIRCH, BLACK,  
CARNES, BARKETT, HULL, MARCUS, WILSON, PRYOR, and MARTIN,  
Circuit Judges.

BY THE COURT:

The Court having been polled at the request of one of the members of the  
Court and a majority of the Circuit Judges who are in regular active service not  
having voted in favor of it (Rule 35, Federal Rules of Appellate Procedure), the  
Suggestion of Rehearing En Banc is **DENIED**.