

FILED

UNITED STATES COURT OF APPEALS

NOV 01 2010

FOR THE NINTH CIRCUIT

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

JOHN DOE #1, an individual; et al.,

Plaintiffs - Appellees,

v.

SAM REED, in his official capacity as
Secretary of State of Washington; et al.,

Defendants,

ARTHUR SCOTT WEST, I,

Appellant.

No. 09-35832

D.C. No. 3:09-cv-05456-BHS
Western District of Washington,
Tacoma

ORDER

Before: LEAVY, McKEOWN and BERZON, Circuit Judges.

Appellees' motion to dismiss this appeal as moot is denied.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's order denying

appellant's motion to intervene.

AFFIRMED.