

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-1020

September Term 2008

FTC-9324

Filed On: January 23, 2009

In re: Whole Foods Market, Inc.,

Petitioner

BEFORE: Ginsburg, Rogers, and Garland, Circuit Judges

ORDER

Upon consideration of the emergency petition for writ of mandamus and injunctive relief against the Federal Trade Commission; the motion for expedited consideration of the emergency petition for writ of mandamus; and the motion for expedited discovery, it is

ORDERED that the emergency petition for writ of mandamus be denied. Petitioner has not shown that it has a "clear and indisputable" right to the extraordinary remedy of mandamus. Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988). It is

FURTHER ORDERED that the motion for expedited consideration and the motion for expedited discovery be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam