

FILED

AUG 03 2016

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

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANIMAL LEGAL DEFENSE FUND,

Plaintiff-Appellant,

v.

**U.S. FOOD & DRUG
ADMINISTRATION,**

Defendant-Appellee.

No. 13-17131

D.C. No. 3:12-cv-04376-EDL
Northern District of California,
San Francisco

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.