

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAMES ODOM,

Plaintiff-Appellant,

v.

MICROSOFT CORPORATION, a
Washington corporation; BEST BUY
Co., INC., a Minnesota corporation,
Defendants-Appellees.

No. 04-35468

D.C. No.
CV-03-02976-MJP

ORDER

Filed September 28, 2006

Before: Mary M. Schroeder, Chief Judge.

ORDER

Upon the vote of a majority of nonrecused regular active judges of this court,¹ it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3.

¹Judges Pregerson, McKeown, Wardlaw, Gould, Clifton, Smith, and Ikuta are recused.

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