

FILED

FOR PUBLICATION

SEP 30 2008

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

**COMPREHENSIVE DRUG TESTING,
INC.,**

Defendant - Appellee.

No. 05-10067

D.C. No. MISC-04-234-SI

ORDER

**MAJOR LEAGUE BASEBALL
PLAYERS ASSOCIATION,**

Petitioner - Appellee,

v.

UNITED STATES OF AMERICA,

Respondent - Appellant.

No. 05-15006

D.C. No. CV-04-00707-JCM

**In re: SEARCH WARRANTS
EXECUTED ON APRIL 8, 2004 AT
CDT, INC.,**

No. 05-55354

D.C. No. CV-04-02887-FMC

SEAL 1,

Plaintiff - Appellant,

v.

SEAL 2,

Defendant - Appellee.

KOZINSKI, Chief Judge:

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