

**FILED**

SEP 30 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS**FOR PUBLICATION****UNITED STATES 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.,**

**SEAL 1,**

Plaintiff - Appellant,

v.

**SEAL 2,**

Defendant - Appellee.

No. 05-55354

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

**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.