

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF ALASKA, Office of the
Governor,
Petitioner, No. 07-70174
v.
EEOC; UNITED STATES OF
AMERICA, EEOC Nos.
Respondents, 11A40004,
MARGARET G. WARD, 11A40005
Intervenor. ORDER

Filed July 3, 2008

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.

Judge Kleinfeld did not participate in the deliberations or vote in this case.

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