

FOR PUBLICATION

NOV 21 2012

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MINORITY TELEVISION PROJECT, INC.,

Plaintiff - Appellant,

v.

FEDERAL COMMUNICATIONS COMMISSION; UNITED STATES OF AMERICA,

Defendants - Appellees,

and

LINCOLN BROADCASTING COMPANY,

Intervenor.

No. 09-17311

D.C. No. 3:06-cv-02699-EDL

ORDER

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 Fed. R. App. P. 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.