

OCT 07 2014

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

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**CHULA VISTA CITIZENS FOR JOBS
AND FAIR COMPETITION; LORI
KNEEBONE; LARRY
BREITFELDER; ASSOCIATED
BUILDERS AND CONTRACTORS OF
SAN DIEGO, INC.,**

Plaintiffs - Appellants,

v.

**DONNA NORRIS; MAYOR CHERYL
COX; PAMELA BENSOUSSAN;
STEVE CASTANEDA; JOHN
MCCANN**, in his official capacity as
Member of the Chula Vista City Council;
RUDY RAMIREZ, Jr., in his official
Capacity as Member of the Chula Vista
City Council,

Defendants - Appellees,

STATE OF CALIFORNIA,

Intervenor-Defendant -
Appellee.

No. 12-55726

D.C. No. 3:09-cv-00897-BEN-
JMA

ORDER

THOMAS, Circuit Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 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.

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