

FILED

MAY 9 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****FEDERAL TRADE COMMISSION,**

Plaintiff-Appellee,

v.

**AT&T MOBILITY LLC, a limited
liability company,**

Defendant-Appellant.

No. 15-16585

D.C. No. 3:14-cv-04785-EMC
Northern District of California,
San Francisco**ORDER****THOMAS**, Chief 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 disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.