

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 10 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Nos. 23-35440, 23-35450

Plaintiff-Appellee,

v.

D.C. No. 1:22-cv-00329-BLW

STATE OF IDAHO,

District of Idaho,

Boise

Defendant,

ORDER

v.

MIKE MOYLE, Speaker of the Idaho House
of Representatives; CHUCK WINDER,
President Pro Tempore of the Idaho Senate;
THE SIXTY-SEVENTH IDAHO
LEGISLATURE, Proposed Intevenor-
Defendants,

Movants-Appellants.

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this matter be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The order published at 2023 WL 6308107 (9th Cir. Sep. 28, 2023) is vacated.