

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

EMILIANO SANTIAGO,  
*Petitioner-Appellant,*

v.

DONALD H. RUMSFELD, Secretary of  
Defense; LES BROWNLEE, Secretary  
of the United States Department of  
the Army (Acting); RAYMOND  
BYRNE, Acting Adjutant General of  
the Oregon National Guard; DAVID  
DORAN, Captain, Detachment One,  
Company D, 113 Aviation Unit  
Commander,  
*Respondents-Appellees.*

No. 05-35005  
D.C. No.  
CV-04-01747-OMP  
ORDER

Filed April 7, 2005

Before: Sidney R. Thomas, Circuit Judge and  
En Banc Coordinator.

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**ORDER**

The request for initial hearing en banc on the Appellant's motion for an injunction pending appeal was referred to the entire court. No judge requested a vote of the active non-recused judges on the initial hearing en banc request within the time established for requesting a vote.

Therefore, the request for initial hearing en banc on the motion for an injunction pending appeal is **DENIED**. The panel shall resume control of the case.

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