

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

STATE OF ALASKA, Office of the  
Governor,

*Petitioner,*

v.

EEOC; UNITED STATES OF  
AMERICA,

*Respondents,*

MARGARET G. WARD,

*Intervenor.*

No. 07-70174

EEOC Nos.

11A40004,

11A40005

ORDER

Filed July 3, 2008

**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 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 Kleinfeld did not participate in the deliberations or vote in this case.

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