

FOR PUBLICATION

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

MINORITY TELEVISION PROJECT,
INC.,

Plaintiff - Appellant,

v.

FEDERAL COMMUNICATIONS
COMMISSION; UNITED STATES OF
AMERICA,

Defendants - Appellees,

and

LINCOLN BROADCASTING COMPANY,
Intervenor.

No. 09-17311

D.C. No.
3:06-cv-02699-
EDL

ORDER

Filed November 21, 2012

ORDER

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 Fed. R. App. P. 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.