

**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

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**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.