

**FOR PUBLICATION**

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

STATE OF ARIZONA; TERRY L.  
GODDARD, Attorney General for the  
State of Arizona; ARIZONA  
DEPARTMENT OF LAW, Civil Rights  
Division,

*Plaintiffs-Appellees,*

ANGELA AGUILAR,

*Intervenor-Plaintiff-Appellee,*

v.

ASARCO LLC,

*Defendant-Appellant.*

No. 11-17484

D.C. No.  
4:08-cv-00441-  
MWB

ORDER

Filed February 28, 2014

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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 Federal Rule of Appellate Procedure 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.