

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

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.