

FOR PUBLICATION

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

PUBLIC INTEGRITY ALLIANCE, INC.,
an Arizona nonprofit membership
corporation; BRUCE ASH, an
individual; FERNANDO GONZALES,
an individual; ANN HOLDEN, an
individual; KEN SMALLEY, an
individual,

Plaintiffs-Appellants,

v.

CITY OF TUCSON, a chartered city of
the State of Arizona; JONATHAN
ROTHSCHILD, in his capacity as the
Mayor of the City of Tucson;
REGINA ROMERO, in her capacity as
a member of the Tucson City
Council; PAUL CUNNINGHAM, in his
capacity as a member of the Tucson
City Council; KARIN UHLICH, in her
capacity as a member of the Tucson
City Council; SHIRLEY SCOTT, in her
capacity as a member of the Tucson
City Council; RICHARD FIMBRES, in
his capacity as a member of the
Tucson City Council; STEVE
KOZACHIK, in his capacity as a
member of the Tucson City Council;
ROGER RANDOLPH, in his capacity as

No. 15-16142

D.C. No.
4:15-cv-00138-
CKJ

ORDER

the Clerk of the City of Tucson,
Defendants-Appellees.

Filed April 27, 2016

ORDER

THOMAS, 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.

Judge Murguia did not participate in the deliberations or vote in this case.