

FOR PUBLICATION

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

EROTIC SERVICE PROVIDER LEGAL
EDUCATION AND RESEARCH
PROJECT; K.L.E.S.; C.V.; J.B.,
Plaintiffs-Appellants,

v.

GEORGE GASCON, in his official
capacity as District Attorney for the
City and County of San Francisco;
EDWARD S. BERBERIAN, JR., in his
official capacity as District Attorney
of the County of Marin; NANCY E.
O'MALLEY, in her official capacity as
District Attorney for the County of
Alameda; JILL RAVITCH, in her
official capacity as District Attorney
of the County of Sonoma; XAVIER
BECERRA,* Attorney General, in her
official capacity as Attorney General
of the State of California,
Defendants-Appellees.

No. 16-15927

D.C. No.
4:15-cv-01007-
JSW

ORDER

* Xavier Becerra is substituted for his predecessor, Kamala Harris.
Fed. R. App. P. 43(c)(2).

Filed February 2, 2018

Before: Consuelo M. Callahan and Carlos T. Bea, Circuit Judges, and Jane A. Restani,** Judge.

ORDER

This order amends the opinion filed for this case on January 17, 2018. The last sentence of the second full paragraph on page 17 of the slip opinion currently reads: “For commercial speech to receive First Amendment protection, however, it must: (1) concern lawful activity and not be misleading; (2) serve a substantial government interest; (3) directly advance the governmental interest asserted; and (4) be narrowly tailored. *Id.* at 566.” That sentence is now replaced with: “For commercial speech to receive First Amendment protection (1) the speech must concern lawful activity and not be misleading; (2) the challenged restriction must serve a substantial government interest; (3) the restriction must directly advance the governmental interest asserted; and (4) the restriction must be narrowly tailored. *Id.* at 566.”

** The Honorable Jane A. Restani, Judge for the United States Court of International Trade, sitting by designation.