

FOR PUBLICATION

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

CHULA VISTA CITIZENS FOR JOBS  
AND FAIR COMPETITION; LORI  
KNEEBONE; LARRY BREITFELDER;  
ASSOCIATED BUILDERS AND  
CONTRACTORS OF SAN DIEGO, INC.,  
*Plaintiffs-Appellants,*

v.

DONNA NORRIS; MAYOR CHERYL  
COX; PAMELA BENSOUSSAN; STEVE  
CASTANEDA; JOHN MCCANN, in his  
official capacity as Member of the  
Chula Vista City Council; RUDY  
RAMIREZ, JR., in his official  
Capacity as Member of the Chula  
Vista City Council,  
*Defendants-Appellees,*

STATE OF CALIFORNIA,  
*Intervenor-Defendant-Appellee.*

No. 12-55726

D.C. No.  
3:09-cv-00897-  
BEN-JMA

ORDER

Filed October 7, 2014

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**ORDER**

THOMAS, Circuit 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 Owens did not participate in the deliberations or vote in this case.