

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 19 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

PROJECT VERITAS; PROJECT VERITAS
ACTION FUND,

Plaintiffs-Appellants,

v.

MICHAEL SCHMIDT, in his official
capacity as Multnomah County District
Attorney; ELLEN ROSENBLUM, in her
official capacity as Oregon Attorney General,

Defendants-Appellees.

No. 22-35271

D.C. No. 3:20-cv-01435-MO
District of Oregon,
Portland

ORDER

MURGUIA, 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 is vacated.

Judges Forrest and H.A. Thomas did not participate in the deliberations or vote in this case.