

FOR PUBLICATION

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NORA PHILLIPS; ERIKA  
PINHEIRO; NATHANIEL  
DENNISON,

*Plaintiffs-Appellants,*

v.

U.S. CUSTOMS AND BORDER  
PROTECTION; MARK MORGAN;  
UNITED STATES IMMIGRATION  
AND CUSTOMS ENFORCEMENT;  
MATTHEW ALBENCE; FEDERAL  
BUREAU OF INVESTIGATION;  
CHRISTOPHER WRAY,

*Defendants-Appellees.*

No. 21-55768

D.C. No.  
2:19-cv-06338-  
SVW-JEM

ORDER

Filed May 30, 2024

Before: Mary M. Schroeder, Richard C. Tallman, and  
Sandra S. Ikuta, Circuit Judges.

Order

## ORDER

The panel has unanimously voted to deny the petition for panel rehearing. Plaintiffs-Appellants' petition for panel rehearing, dkt. 58, is DENIED.

Judge Ikuta voted to deny the petition for rehearing en banc, and Judge Tallman so recommended. Judge Schroeder recommended granting the petition for rehearing en banc. The full court was advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 35. Judge H.A. Thomas recused herself and did not participate in the deliberations or vote. Plaintiffs-Appellants' petition for rehearing en banc, dkt. 58, is DENIED.