

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

CITY OF HUNTINGTON BEACH,  
a California Charter City and  
Municipal Corporation;  
HUNTINGTON BEACH CITY  
COUNCIL; TONY STRICKLAND,  
Mayor of Huntington Beach;  
GRACEY VAN DER MARK, Mayor  
Pro Tem of Huntington Beach,

*Plaintiffs - Appellants,*

v.

GAVIN NEWSOM, individually and  
in his official capacity as Governor of  
the State of California; GUSTAVO  
VELASQUEZ, in his official  
capacity as Director of the State of  
California Department of Housing  
and Community Development;  
CALIFORNIA DEPARTMENT OF  
HOUSING AND COMMUNITY  
DEVELOPMENT; DOES, 1-50,  
inclusive; SOUTHERN  
CALIFORNIA ASSOCIATION OF  
GOVERNMENT,

*Defendants – Appellees.*

No. 23-3694

D.C. No.  
8:23-cv-00421-  
FWS-ADS

ORDER

Filed April 21, 2025

Before: Richard C. Tallman, Ryan D. Nelson, and Daniel  
A. Bress, Circuit Judges.

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### **ORDER**

Judge R. Nelson and Judge Bress voted to deny the petition for rehearing en banc. Judge Tallman recommended denying 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. 40.

The petition for rehearing en banc, Dkt. 54, is **DENIED**.