FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 10 2023

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

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STATE OF IDAHO,

Defendant,

v.

MIKE MOYLE, Speaker of the Idaho House of Representatives; CHUCK WINDER, President Pro Tempore of the Idaho Senate; THE SIXTY-SEVENTH IDAHO LEGISLATURE, Proposed Intevenor-Defendants,

Movants-Appellants.

Nos. 23-35440, 23-35450

D.C. No. 1:22-cv-00329-BLW District of Idaho, Boise

ORDER

MURGUIA, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this matter be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The order published at 2023 WL 6308107 (9th Cir. Sep. 28, 2023) is vacated.