

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

OCT 10 2023

**FOR THE NINTH CIRCUIT**

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

UNITED STATES OF AMERICA,

Nos. 23-35440, 23-35450

Plaintiff-Appellee,

v.

D.C. No. 1:22-cv-00329-BLW

STATE OF IDAHO,

District of Idaho,

Boise

Defendant,

**ORDER**

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.

**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.