

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 19 2003

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

SOUTHWEST VOTER REGISTRATION
EDUCATION PROJECT; SOUTHERN
CHRISTIAN LEADERSHIP
CONFERENCE OF GREATER LOS
ANGELES; NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE; CALIFORNIA
STATE CONFERENCE OF BRANCHES,

Plaintiffs - Appellants,

v.

KEVIN SHELLEY, in his official capacity
as California Secretary of State,

Defendant - Appellee,

TED COSTA,

Intervenor-Appellee.

No. 03-56498

D.C. No. CV-03-05715-SVW

ORDER

FOR PUBLICATION

Before: SCHROEDER, Chief Judge.

A sua sponte call for en banc rehearing was made by a member of the Court. Upon the vote of a majority of nonrecused regular active judges of this court¹, it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

¹ Judges Reinhardt, Wardlaw, and Berzon were recused.