

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2018

FOR THE NINTH CIRCUIT

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

VIRGINIA DUNCAN; et al.,

Plaintiffs-Appellees,

v.

XAVIER BECERRA, in his official  
capacity as Attorney General of the State  
of California,

Defendant-Appellant.

No. 17-56081

D.C. No.

3:17-cv-01017-BEN-JLB

Southern District of California,  
San Diego

ORDER

Before: WALLACE and N.R. SMITH, Circuit Judges, and BATTS,\* District Judge.

A judge of this court has called for a vote to determine whether this case will be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a). Within 21 days of the filed date of this order, the parties shall file simultaneous briefs addressing their respective positions on whether this case should be reheard en banc.

Parties who are registered for ECF must file the response electronically

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\* The Honorable Deborah A. Batts, United States District Judge for the Southern District of New York, sitting by designation.

without submission of paper copies. Parties who are not registered for ECF must file the original response plus 50 paper copies.