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United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT

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September Term 2009

JR

1:05-cv-01165-
Filed On: January 25, 2010

Consolidated with 08-7009

United States Court of Appeals FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-7001

September Term 2009

BEFORE: Sentelle, Chief Judge, and Ginsburg, Henderson, Rogers, Tatel,

Garland, Brown, Griffith, and Kavanaugh, Circuit Judges

<u>ORDER</u>

The petition for rehearing en banc filed in Nos. 08-7001, et al., and Nos. 08-7008, et al., and the responses thereto were circulated to the full court, and a vote was requested. Thereafter, a majority of the judges eligible to participate did not vote in favor of the petition. Upon consideration of the foregoing, it is

ORDERED that the petition be denied.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Scott H. Atchue Deputy Clerk