

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 court<sup>1</sup>, 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.

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<sup>1</sup> Judges Reinhardt, Wardlaw, and Berzon were recused.