

**FILED**

**FOR PUBLICATION**

JUN 11 2014

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**BIG LAGOON RANCHERIA, a  
federally recognized Indian tribe,**

Plaintiff - Appellee - Cross-  
Appellant,

v.

**STATE OF CALIFORNIA,**

Defendant - Appellant -  
Cross-Appellee.

Nos. 10-17803  
10-17878

D.C. No. 4:09-cv-01471-CW

**ORDER**

**KOZINSKI**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Owens and Friedland did not participate in the deliberations or vote in this case.

From: [ca9\\_eclnoticing@ca9.uscourts.gov](mailto:ca9_eclnoticing@ca9.uscourts.gov)  
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**United States Court of Appeals for the Ninth Circuit**

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**Case Name:** Big Lagoon Rancheria v. State of California

**Case Number:** [10-17803](#)

**Document(s):** [Document\(s\)](#)

**Docket Text:**

Filed Order for PUBLICATION KOZINSKI, Chief Judge: Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit. Judges Owens and Friedland did not participate in the deliberations or vote in this case. [9128948] [10-17803, 10-17878] (PH)

**Notice will be electronically mailed to:**

Mrs. Dorothy Ann Alther, Senior Attorney  
Kate Rochelle Bowers, Attorney  
Samuel F Daughety, Attorney  
Mr. Peter Engstrom, Attorney  
Mr. Bruce H. Jackson, Attorney  
Honorable Alex KOZINSKI, Chief Judge  
Mr. Peter H. Kaufman, Deputy Assistant Attorney General  
Kenneth John Pfaehler, Attorney  
USDC, Oakland  
Honorable Claudia Wilken, Chief District Judge  
Calendar NDA, NDA Recipient

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