

FILED

FOR PUBLICATION

JAN 03 2013

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

**KWAI FUN WONG; WU-WEI TIEN
TAO ASSOCIATION,**

Plaintiffs - Appellants,

v.

**DAVID V. BEEBE, a former
Immigration and Naturalization Service
(n.k.a. Department of Homeland
Security) Official; UNITED STATES
OF AMERICA,**

Defendants - Appellees.

No. 10-36136

D.C. No. 3:01-cv-00718-JO

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.