

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 16 2016

FOR THE NINTH CIRCUIT

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

RETAIL DIGITAL NETWORK, LLC,

Plaintiff-Appellant,

v.

**TIMOTHY GORSUCH, as Director of
the California Department of Alcoholic
Beverage Control,**

Defendant-Appellee.

No. 13-56069

D.C. No.

2:11-cv-09065-CBM-PJW

Central District of California,
Los Angeles

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be heard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3.

Judge Owens did not participate in the deliberations or vote in this case.