

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 28 2025

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

STATE OF OREGON; CITY OF
PORTLAND,

Plaintiffs - Appellees,

v.

DONALD J. TRUMP, In his official capacity as President of the United States; PETER HEGSETH, In his official capacity as Secretary of Defense; UNITED STATES DEPARTMENT OF DEFENSE; KRISTI NOEM, In her official capacity as Secretary of Homeland Security; UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

Defendants - Appellants,

STATE OF CALIFORNIA,

Intervenor - Pending.

No. 25-6268

D.C. No.

3:25-cv-01756-IM
District of Oregon,
Portland

ORDER

MURGUIA, 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 40(c)

and Circuit Rule 40-3. The order published at ---F.4th---, 2025 WL 2951371 (9th Cir. Oct. 20, 2025), is vacated.