

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 08 2004

FOR THE NINTH CIRCUIT

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

HUMANITARIAN LAW PROJECT; RALPH
FERTIG; ILANKAI THAMIL SANGAM;
TAMILS OF NORTHERN CALIFORNIA;
TAMIL WELFARE AND HUMAN RIGHTS
COMMITTEE; FEDERATION OF TAMIL
SANGAMS OF NORTH AMERICA; WORLD
TAMIL COORDINATING COMMITTEE;
NAGALINGAM JEYALINGAM,

No. 02-55082

D.C. No. CV-98-01971-ABC

Plaintiffs - Appellants,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; UNITED STATES DEPARTMENT
OF STATE; JOHN ASHCROFT, Attorney
General; COLIN L. POWELL, Secretary of
State,

Defendants - Appellees.

HUMANITARIAN LAW PROJECT; RALPH
FERTIG; ILANKAI THAMIL SANGAM;
TAMILS OF NORTHERN CALIFORNIA;
TAMIL WELFARE & HUMAN RIGHTS
COMMITTEE; FEDERATION OF TAMIL
SANGAMS OF NORTH AMERICA; WORLD
TAMIL COORDINATING COMMITTEE;
NAGALINGAM JEYALINGAM,

No. 02-55083

D.C. No. CV-98-01971-ABC

ORDER

Plaintiffs - Appellees,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; UNITED STATES DEPARTMENT
OF STATE; JOHN ASHCROFT, Attorney
General; COLIN L. POWELL, Secretary of
State,

Defendants - Appellants.

Filed September 8, 2004

Before: SCHROEDER, Chief Judge:

Upon the vote of a majority of nonrecused regular active judges of this court,¹ 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.

¹Judge Fisher is recused.