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**FILED** 

## FOR PUBLICATION

MAY 22 2012

## UNITED STATES COURT OF APPEALS

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

## FOR THE NINTH CIRCUIT

KAREN GOLINSKI,

Plaintiff - Appellee,

v.

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; JOHN BERRY, Director of the United States Office of Personnel Management, in his official capacity,

Defendants,

and

BIPARTISAN LEGAL ADVISORY GROUP OF THE U.S. HOUSE OF REPRESENTATIVES,

Intervenor-Defendant - Appellant.

No. 12-15388

D.C. No. 3:10-cv-00257-JSW Northern District of California, San Francisco

**ORDER** 

KAREN GOLINSKI,

Plaintiff - Appellee,

v.

No. 12-15409

D.C. No. 3:10-cv-00257-JSW Northern District of California, San Francisco Case: 12-15388 05/22/2012 ID: 8186938 DktEntry: 34 Page: 2 of 2

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; JOHN BERRY, Director of the United States Office of Personnel Management, in his official capacity,

Defendants - Appellants,

and

BIPARTISAN LEGAL ADVISORY GROUP OF THE U.S. HOUSE OF REPRESENTATIVES,

Intervenor-Defendant.

Before: THOMAS, Circuit Judge and En Banc Coordinator.

Pursuant to G.O. 5.2, the petition for initial hearing en banc was circulated to the court. A time was established by which any judge could request a vote on the petition. No judge requested a vote within the time period. Therefore, the petition for initial hearing en banc is denied.

Chief Judge Kozinski and Judge Reinhardt did not participate in the consideration of this matter.

The order filed April 11, 2012, remains in effect. The Clerk shall calendar these consolidated appeals for argument before a three-judge panel during the week of September 10-14, 2012, in San Francisco.