

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CITY OF HUNTINGTON BEACH,
a California Charter City and
Municipal Corporation;
HUNTINGTON BEACH CITY
COUNCIL; TONY STRICKLAND,
Mayor of Huntington Beach;
GRACEY VAN DER MARK, Mayor
Pro Tem of Huntington Beach,

Plaintiffs - Appellants,

v.

GAVIN NEWSOM, individually and
in his official capacity as Governor of
the State of California; GUSTAVO
VELASQUEZ, in his official
capacity as Director of the State of
California Department of Housing
and Community Development;
CALIFORNIA DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT; DOES, 1-50,
inclusive; SOUTHERN
CALIFORNIA ASSOCIATION OF
GOVERNMENT,

Defendants – Appellees.

No. 23-3694

D.C. No.
8:23-cv-00421-
FWS-ADS

ORDER

Filed April 21, 2025

Before: Richard C. Tallman, Ryan D. Nelson, and Daniel
A. Bress, Circuit Judges.

ORDER

Judge R. Nelson and Judge Bress voted to deny the petition for rehearing en banc. Judge Tallman recommended denying the petition for rehearing en banc.

The full court was advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 40.

The petition for rehearing en banc, Dkt. 54, is **DENIED**.