

109TH CONGRESS  
1ST SESSION

# H. R. 1064

To remove the authority of the Ninth Circuit Court of Appeals to sit en banc with fewer than all circuit judges in regular active service.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2005

Mr. SIMPSON introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To remove the authority of the Ninth Circuit Court of Appeals to sit en banc with fewer than all circuit judges in regular active service.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. EN BANC PROCEEDINGS FOR NINTH CIRCUIT**  
4                       **COURT OF APPEALS.**

5       Section 6 of the Act entitled “An Act to provide for  
6 the appointment of additional district and circuit judges,  
7 and for other purposes.”, approved October 20, 1978  
8 (Public Law 95–486; 28 U.S.C. 41 note), is amended by  
9 striking “may perform its en banc function” and inserting

- 1 “may, except in the case of the Court of Appeals for the
- 2 Ninth Circuit, perform its en banc function”.

