

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

RICHARD SOWINSKI,
Plaintiff-Appellant

v.

CALIFORNIA AIR RESOURCES BOARD,
Defendant-Appellee

2019-1558

Appeal from the United States District Court for the Northern District of California in No. 5:18-cv-03979-LHK, Judge Lucy H. Koh.

ON PETITION FOR REHEARING EN BANC

Before PROST, *Chief Judge*, NEWMAN, LOURIE, SCHALL *,
DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO,
CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

* Circuit Judge Schall participated only in the decision on the petition for panel rehearing.

Appellant Richard Sowinski filed a petition for rehearing en banc. The petition was first referred as a petition for rehearing to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on October 30, 2020.

FOR THE COURT

October 23, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court