

RECOMMENDED FOR PUBLICATION  
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 20a0152p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

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REBECCA FOSTER,

*Plaintiff-Appellant,*

v.

THE BOARD OF REGENTS OF THE UNIVERSITY OF  
MICHIGAN; UNIVERSITY OF MICHIGAN; ALISON DAVIS-  
BLAKE,

*Defendants-Appellees.*

No. 19-1314

Appeal from the United States District Court  
for the Eastern District of Michigan at Detroit.  
No. 2:17-cv-10781—Bernard A. Friedman, District Judge.

Decided and Filed: May 15, 2020

Before: COLE, Chief Judge; MOORE, CLAY, GIBBONS, SUTTON,  
GRIFFIN, KETHLEDGE, WHITE, STRANCH, DONALD, THAPAR,  
BUSH, LARSEN, and NALBANDIAN, Circuit Judges.\*

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**ORDER**

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A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Sixth Circuit Rule 35(b) provides as follows:

The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal.

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\*Judge Readler and Judge Murphy recused themselves from participation in this decision.

Accordingly, it is ORDERED, that the previous decision and judgment of this court are vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

The Clerk will direct the parties to file supplemental briefs and will schedule this case for oral argument as soon as possible.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

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Deborah S. Hunt, Clerk