

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 15-5176****September Term, 2016****1:12-cv-00744-KBJ****Filed On: January 13, 2017**

Rothe Development, Inc.,

Appellant

v.

United States Department of Defense and  
United States Small Business Administration,

Appellees

**BEFORE:** Garland\*, Chief Judge, and Henderson\*\*, Rogers, Tatel, Brown\*\*,  
Griffith, Kavanaugh\*\*, Srinivasan, Millett, Pillard, and Wilkins,  
Circuit Judges

**ORDER**

Appellant's petition for rehearing en banc and the response thereto were circulated to the full court, and a vote was requested. Thereafter, a majority of the judges eligible to participate did not vote in favor of the petition. Upon consideration of the foregoing, appellant's unopposed motion for leave to file Rule 28(j) supplemental authorities, and the lodged document, it is

**ORDERED** that the motion for leave to file be granted. The Clerk is directed to file the lodged document. It is

**FURTHER ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk

\* Chief Judge Garland did not participate in this matter.

\*\* Circuit Judges Henderson, Brown, and Kavanaugh would grant the petition.