

United States Court of Appeals  
District of Columbia Circuit  
Washington, DC 20001

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Douglas H. Ginsburg  
Chief Judge

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February 12, 2004

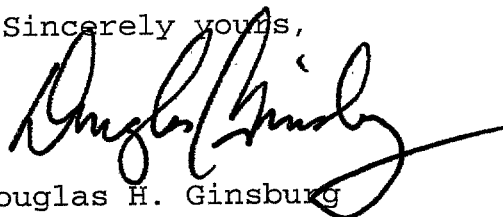
03-AP-368

Mr. Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
Judicial Conference of the United States  
Thurgood Marshall Federal Judiciary Building  
Washington, D. C. 20544

Dear Mr. McCabe:

The majority of the active judges of the United States Court of Appeals for the District of Columbia Circuit oppose the adoption of proposed Federal Rule of Appellate Procedure 35(a), Determination of a Majority in En Banc Cases, for the reasons set forth in Chief Judge Mayer's letter submitted on behalf of the judges of the United States Court of Appeals for the Federal Circuit.

Sincerely yours,



Douglas H. Ginsburg