

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 07-5276**

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**September Term 2008**

Ginsburg, Circuit Judge, with whom Chief Judge Sentelle joins, concurring in the denial of rehearing en banc: I concur in the denial of rehearing en banc because, there being no opinion for the Court, that judgment sets no precedent beyond the precise facts of this case. See *King v. Palmer*, 950 F.2d 771, 783 (D.C. Cir. 1991) (en banc) ("without implicit agreement" among a majority of the judges "we are left without a controlling opinion").