

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUGUSTA MILLENDER; BRENDA
MILLENDER; WILLIAM JOHNSON,
Plaintiffs-Appellees,

v.

COUNTY OF LOS ANGELES; ROBERT
J. LAWRENCE; CURT
MESSERSCHMIDT,
Defendants-Appellants,

and

LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT; SHERIFF LEROY BACA;
SCOTT WALKER; RICK RECTOR;
DONALD NICHIPORUK; RICHARD
SCHLEGEL; DEPUTY BRICE STELLA;
JACK DEMELLO; DAVID O'SULLIVAN;
JAMES RITENOUR; IAN STADE,
Defendants.

No. 07-55518
D.C. No.
CV-05-02298-DDP
ORDER

Filed October 2, 2009

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judge Pregerson did not participate in the deliberations or vote in this case.

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