

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MALAIKA BROOKS,
Plaintiff-Appellee,
v.
CITY OF SEATTLE,
Defendant,
and
STEVEN L. DAMAN, in his capacity
as an officer of the Seattle Police
Department; DONALD M. JONES, in
his individual capacity as an
officer of the Seattle Police
Department; JUAN M. ORNELAS, in
his individual capacity as an
officer of the Seattle Police
Department,
Defendants-Appellants.

No. 08-35526
D.C. No.
2:06-cv-01681-RAJ
ORDER

Filed September 30, 2010

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.