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U.S. COURT OF APPEALS

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**MICHAEL LACEY; JIM LARKIN;
PHOENIX NEW TIMES, LLC,**

Plaintiffs - Appellants,

v.

**MARICOPA COUNTY, a public entity;
JOSEPH ARPAIO, Sheriff, and AVA
ARPAIO, husband and wife; DENNIS
WILENCHIK and BECKY
BARTNESS, husband and wife; JOHN
DOES I-X; JANE DOES I-X; BLACK
CORPORATIONS, I-V; and WHITE
PARTNERSHIPS, I-V,**

Defendants - Appellees.

No. 09-15703

D.C. No. 2:08-cv-00997-SRB

ORDER

**MICHAEL LACEY; JIM LARKIN;
PHOENIX NEW TIMES, LLC,**

Plaintiffs - Appellees,

v.

**JOSEPH M. ARPAIO, Sheriff and
husband; AVA ARPAIO, wife; JOHN
DOES I-X; JANE DOES I-X; BLACK
CORPORATIONS, I-V; WHITE**

No. 09-15806

D.C. No. 2:08-cv-00997-SRB

**PARTNERSHIPS, I-V; MARICOPA
COUNTY ATTORNEY'S OFFICE, a
public entity,**

Defendants,

and

**DENNIS WILENCHIK; BECKY
BARTNESS, wife,**

Defendants - Appellants.

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.

Judges Silverman and Murguia did not participate in the deliberations or vote in this case.