

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

HEDELITO TRINIDAD Y GARCIA,  
*Petitioner-Appellee,*

v.

MICHAEL BENOVA, Warden,  
Metropolitan Detention Center-Los  
Angeles,  
*Respondent-Appellant.*

No. 09-56999

D.C. No.  
2:08-cv-07719-  
MMM-CW

ORDER

Filed February 28, 2011

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**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.

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