

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

**FILED**

SEP 16 2016

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**SARA LOWRY,**

Plaintiff-Appellant,

v.

**CITY OF SAN DIEGO,**

Defendant-Appellee.

No. 13-56141

D.C. No.

3:11-cv-00946-MMA-WMC

Southern District of California,  
San Diego

**ORDER**

**THOMAS**, Chief Judge:

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