

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

**FILED**

DEC 9 2022

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

MACKENZIE BROWN, a single woman,

Plaintiff-Appellant,

v.

STATE OF ARIZONA; ARIZONA BOARD  
OF REGENTS, DBA University of Arizona,  
a constitutionally created body corporate,

Defendants-Appellees,

and

RICHARD A. RODRIQUEZ; RITA  
RODRIQUEZ,

Defendants,

v.

LIDA DEGROOTE,

Third-party-plaintiff.

No. 20-15568

D.C. No. 2:17-cv-03536-GMS  
District of Arizona,  
Phoenix

**ORDER**

**MURGUIA**, 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 is vacated.