

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

LORI BELTRAN; ROBERT BELTRAN;  
COBY BELTRAN, by and through his  
Guardian Ad Litem Lori Beltran,  
*Plaintiffs-Appellants,*

v.

SANTA CLARA COUNTY; MELISSA  
SUAREZ, individually and as an  
employee of the County of Santa  
Clara; JENNIFER HUBBS,  
individually and as an employee  
of the County of Santa Clara;  
EMILY TJHIN, individually and as  
an employee of the County of  
Santa Clara,

*Defendants-Appellees.*

No. 05-16976  
D.C. No.  
CV-03-03767-RMW  
ORDER

Filed October 17, 2007

Before: Mary M. Schroeder, Chief Judge.

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**ORDER**

Upon the vote of a majority of nonrecused regular active judges of this court, it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

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