

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RONALD HAYWARD,
Petitioner-Appellant,
v.
JOHN MARSHALL, California Men's
Colony East,
Respondent-Appellee.

No. 06-55392
D.C. No.
CV-05-07239-
GAF(CT)
ORDER

Filed May 16, 2008

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. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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