

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

<p>DANIEL GUGGENHEIM; SUSAN GUGGENHEIM; MAUREEN H. PIERCE, <i>Plaintiffs-Appellants,</i></p> <p style="text-align: center;">v.</p> <p>CITY OF GOLETA, a municipal corporation, <i>Defendant-Appellee.</i></p>	}	<p>No. 06-56306</p> <p>D.C. No. CV-02-02478-FMC</p> <p style="text-align: center;"><b>ORDER</b></p>
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Filed March 12, 2010

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