

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERT NORSE,
Plaintiff-Appellant,
v.
CITY OF SANTA CRUZ; CHRISTOPHER
KROHN, individually and in his
official capacity as Mayor of the
City of Santa Cruz; TIM
FITZMAURICE; KEITH A. SUGAR;
EMILY REILLY; ED PORTER; SCOTT
KENNEDY; MARK PRIMACK,
individually and in their official
capacities as Members of the
Santa Cruz City Council; LORAN
BAKER, individually and in his
official capacity as Sergeant of the
Santa Cruz Police Department;
STEVEN CLARK,
Defendants-Appellees.

No. 07-15814
D.C. No.
CV-02-01479-RMW
ORDER

Filed March 12, 2010

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.