

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

TROY MATTOS; JAYZEL MATTOS,  
*Plaintiffs-Appellees,*

v.

DARREN AGARANO; RYAN AIKALA;  
 STUART KUNIOKA; HALAYUDHA  
 MACKNIGHT,  
*Defendants-Appellants,*

and

MAUI COUNTY,  
*Defendant.*

No. 08-15567  
 D.C. No.  
 07-CV-00220-DAE  
**ORDER**

Filed October 4, 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.