

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

<p>MALAIKA BROOKS, <i>Plaintiff-Appellee,</i></p> <p style="text-align: center;">v.</p> <p>CITY OF SEATTLE, <i>Defendant,</i></p> <p style="text-align: center;">and</p> <p>STEVEN L. DAMAN, in his capacity as an officer of the Seattle Police Department; DONALD M. JONES, in his individual capacity as an officer of the Seattle Police Department; JUAN M. ORNELAS, in his individual capacity as an officer of the Seattle Police Department, <i>Defendants-Appellants.</i></p>	<p>No. 08-35526</p> <p>D.C. No. 2:06-cv-01681-RAJ</p> <p>ORDER</p>
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Filed September 30, 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.