

FILED

FOR PUBLICATION

FEB 28 2011

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

HEDELITO TRINIDAD Y GARCIA,

Petitioner - Appellee,

v.

**MICHAEL BENOVA, Warden,
Metropolitan Detention Center-Los
Angeles,**

Respondent - Appellant.

No. 09-56999

D.C. No. 2:08-cv-07719-MMM-CW

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.

Judge Murguia did not participate in the deliberations or vote in this case.