

**FILED**

**FEB 28 2011**

**FOR PUBLICATION**  
**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 BENOV, 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.