

FILED**FOR PUBLICATION**

MAR 12 2013

UNITED STATES COURT OF APPEALSMOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**FOR THE NINTH CIRCUIT****JUAN ROBERTO ALBINO,**

Plaintiff - Appellant,

v.

**LEE BACA, Los Angeles County
Sheriff; LOS ANGELES COUNTY,**

Defendants - Appellees.

No. 10-55702

D.C. No. 2:08-cv-03790-GAF-
MLG**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 Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.