

**FILED**

**FOR PUBLICATION**

OCT 28 2013

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**RAFAEL GONZALEZ, individually  
and as successor in interest to Adolph  
Anthony Sanchez Gonzalez,**

Plaintiff,

and

**F.E.V., a minor, individually and as  
successor in interest to Adolph Anthony  
Sanchez Gonzalez, by and through her  
Guardian Ad Litem David Vasquez;  
ANTOINETTE SANCHEZ,  
individually and as successor in interest  
to Adolph Anthony Sanchez Gonzalez,**

Plaintiffs - Appellants,

v.

**CITY OF ANAHEIM; DARON  
WYATT; MATTHEW ELLIS,**

Defendants - Appellees.

No. 11-56360

D.C. No. 2:10-cv-04660-PA-SH

**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.

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