

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

GEORGE K. YOUNG, JR.,  
*Plaintiff-Appellant,*

v.

STATE OF HAWAII; NEIL  
ABERCROMBIE, in his capacity as  
Governor of the State of Hawaii;  
DAVID MARK LOUIE I, Esquire, in his  
capacity as State Attorney General;  
COUNTY OF HAWAII, as a sub-agency  
of the State of Hawaii; WILLIAM P.  
KENOI, in his capacity as Mayor of  
the County of Hawaii; HILO COUNTY  
POLICE DEPARTMENT, as a sub-  
agency of the County of Hawaii;  
HARRY S. KUBOJIRI, in his capacity  
as Chief of Police; JOHN DOES, 1–25;  
JANE DOES, 1–25; DOE  
CORPORATIONS, 1–5; DOE ENTITIES,  
1–5,  
*Defendants-Appellees.*

No. 12-17808

D.C. No.  
1:12-cv-00336-  
HG-BMK

ORDER

Filed February 8, 2019

**ORDER**

THOMAS, 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 disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.

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