

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

SEP 16 2016

**FOR THE NINTH CIRCUIT**

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

<p><b>SARA LOWRY,</b></p> <p>Plaintiff-Appellant,</p> <p>v.</p> <p><b>CITY OF SAN DIEGO,</b></p> <p>Defendant-Appellee.</p>
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No. 13-56141

D.C. No.  
3:11-cv-00946-MMA-WMC  
Southern District of California,  
San Diego

**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 opinion shall not be cited as precedent by or to any court of the Ninth Circuit.