

**FOR PUBLICATION**

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

R. E. B., individually and on behalf of  
his minor child, J.B.,

*Plaintiff-Appellant,*

v.

STATE OF HAWAII DEPARTMENT OF  
EDUCATION; KATHRYN MATAYOSHI,  
in her official capacity as  
Superintendent of the Hawaii Public  
Schools,

*Defendants-Appellees.*

No. 14-15895

D.C. No.  
1:13-cv-00016-  
DKW-BMK

ORDER

Filed April 3, 2018

Before: Michael Daly Hawkins, Carlos T. Bea,  
and Jacqueline H. Nguyen,\* Circuit Judges.

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\* Judge Kozinski, originally a member of the panel, retired before action could be taken on these petitions. Judge Nguyen was drawn in his place.

**ORDER**

The panel, as reconstituted, has voted to grant Defendants-Appellees' Petition for Panel Rehearing. Judges Bea and Nguyen have voted to deny the Petition for Rehearing En Banc, and Judge Hawkins so recommended.

The Petition for Panel Rehearing is **GRANTED**. The Opinion and dissent filed on September 13, 2017, are withdrawn, and this case is resubmitted pending further order of this court.

The Petition for Rehearing En Banc is **DENIED** as moot.