

FILED

AUG 29 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT****AILEEN RIZO,**

Plaintiff-Appellee,

v.

**JIM YOVINO, Fresno County
Superintendent of Schools, Erroneously
Sued Herein as Fresno County Office of
Education,**

Defendant-Appellant.

No. 16-15372

D.C. No. 1:14-cv-00423-MJS
Eastern District of California,
Fresno**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.