

FOR PUBLICATION

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

PAULETTE SMITH, individually and
as Successor in Interest to Albert
Dorsey, deceased,

Plaintiff-Appellee,

v.

EDWARD AGDEPPA, an individual,

Defendant-Appellant,

and

CITY OF LOS ANGELES, a
municipal entity; DOES, 1 through 10,

Defendants.

No. 20-56254

D.C. No.
2:19-cv-05370-
CAS-JC

ORDER

Filed March 1, 2024

Before: Consuelo M. Callahan, Morgan Christen, and
Daniel A. Bress, Circuit Judges.

Order

ORDER

Judge Callahan and Judge Bress voted to deny the petition for rehearing en banc. Judge Christen voted to grant the petition for rehearing en banc. The full court was advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 35(a). Appellee's petition for rehearing en banc, Dkt. 65, is DENIED.