

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 8 2021

FOR THE NINTH CIRCUIT

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

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MATTHEW BRACH, an individual; JESSE PETRILLA, an individual; LACEE BEAULIEU, an individual; ERICA SEPHTON, an individual; KENNETH FLEMING, an individual; JOHN ZIEGLER, an individual; ALISON WALSH, an individual; ROGER HACKETT, an individual; CHRISTINE RUIZ, an individual; Z. R., a minor; ADE ONIBOKUN, an individual; BRIAN HAWKINS, an individual; TIFFANY MITROWKE, an individual; MARIANNA BEMA; ASHLEY RAMIREZ, an individual,

Plaintiffs-Appellants,

v.

GAVIN NEWSOM, in his official capacity as the Governor of California; ROB BONTA, in his official capacity as the Attorney General of California; TOMAS ARAGON, in his official capacity as the State Public Health Officer and Department of Public Health Director; TONY THURMOND, in his official capacity as State Superintendent of Public Instruction and Director of Education,

Defendants-Appellees.

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No. 20-56291

D.C. No.

2:20-cv-06472-SVW-AFM

Central District of California,  
Los Angeles

**ORDER**

**MURGUIA**, 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 is vacated.