

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 18 2023

FOR THE NINTH CIRCUIT

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

FELLOWSHIP OF CHRISTIAN
ATHLETES, an Oklahoma corporation;
FELLOWSHIP OF CHRISTIAN
ATHLETES OF PIONEER HIGH
SCHOOL, an unincorporated association;
CHARLOTTE KLARKE; ELIZABETH
SINCLAIR,

Plaintiffs-Appellants,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION; NANCY
ALBARRAN, in her official and personal
capacity; HERB ESPIRITU, in his official
and personal capacity; PETER GLASSER, in
his official and personal capacity; STEPHEN
MCMAHON, in his official and personal
capacity,

Defendants-Appellees.

No. 22-15827

D.C. No. 4:20-cv-02798-HSG
Northern District of California,
Oakland

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.

Judge Koh did not participate in the deliberations or vote in this case.