

FILED

FOR PUBLICATION

JUL 25 2012

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

**ELIZABETH AIDA HASKELL;
REGINALD ENTO; JEFFREY
PATRICK LYONS JR.; AAKASH
DESAI, on behalf of themselves and
others similarly situated,**

Plaintiffs - Appellants,

v.

**KAMALA D. HARRIS, Attorney
General of California; EVA
STEINBERGER, Assistant Bureau
Chief for DNA Programs, California
Department of Justice,**

Defendants - Appellees.

No. 10-15152

D.C. No. 3:09-cv-04779-CRB

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Fed. R. App. P. 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Nguyen, Watford and Hurwitz did not participate in the deliberations or vote as to whether the case should be taken en banc.