

FOR PUBLICATION

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

CHRISTINE L. MILLER; Guardian Ad Litem;
TONNIE SAVAGE, Guardian Ad Litem,

Plaintiffs - Appellees,

v.

NANCY GAMMIE; FRAN ZITO,

Defendants - Appellants,

and

NEVADA CHILD AND FAMILY SERVICES
DEPARTMENT; NEVADA CHILD
WELFARE DIVISION; STATE OF NEVADA;
VOLUNTEERS OF AMERICA OF NEVADA,

Defendants.

No. 01-15491

D.C. No.
CV-99-00275-HDM(PHA)
District of Nevada, Reno

ORDER

Filed November 6, 2002

Before: SCHROEDER, Chief Judge.

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

court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.