

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

KARL ADOLPH FRANTZ, <i>Petitioner-Appellant,</i> v. HERBERT HAZEY; DORA B. SCHRIRO, Director, <i>Respondents-Appellees.</i>
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No. 05-16024  
D.C. No.  
CV-04-00135-WDB  
ORDER

Filed December 29, 2006

Before: Mary M. Schroeder, Chief Judge.

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**ORDER**

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.

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