

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STEVEN FISHER, <i>Plaintiff-Appellee,</i> and SANDRA FISHER, <i>Plaintiff,</i> v. CITY OF SAN JOSE, <i>Defendant-Appellant,</i> and CITY OF SAN JOSE POLICE DEPARTMENT; OFFICER BOLER; OFFICER BARNETT; OFFICER CORREA; OFFICER ESQUIVEL; OFFICER HONDA; OFFICER KINSWORTHY; OFFICER O'BRIEN; OFFICER RYAN; OFFICER NGUYEN, <i>Defendants.</i>
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No. 04-16095
D.C. No.
CV-01-21192-PVT
Northern District
of California,
San Jose
ORDER

Filed March 14, 2008

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 Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

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