

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

ROBERT NORSE,  
*Plaintiff-Appellant,*

v.

CITY OF SANTA CRUZ; CHRISTOPHER  
KROHN, individually and in his  
official capacity as Mayor of the  
City of Santa Cruz; TIM  
FITZMAURICE; KEITH A. SUGAR;  
EMILY REILLY; ED PORTER; SCOTT  
KENNEDY; MARK PRIMACK,  
individually and in their official  
capacities as Members of the  
Santa Cruz City Council; LORAN  
BAKER, individually and in his  
official capacity as Sergeant of the  
Santa Cruz Police Department;  
STEVEN CLARK,  
*Defendants-Appellees.*

No. 07-15814  
D.C. No.  
CV-02-01479-RMW  
ORDER

Filed March 12, 2010

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**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.