

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

MUHAMMAD SHABAZZ FARRAKHAN,  
aka Ernest S. Walker; AL-KAREEM  
SHADEED; MARCUS X. PRICE;  
RAMON BARRIENTES; TIMOTHY  
SCHAAF; CLIFTON BRICENO,

*Plaintiffs-Appellants,*

v.

CHRISTINE O. GREGOIRE; SAM REED;  
HAROLD W. CLARKE; STATE OF  
WASHINGTON,

*Defendants-Appellees.*

No. 06-35669

D.C. No.  
CV-96-00076-RHW

ORDER

Filed April 28, 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.