

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

RUSSELL ALLEN NORDYKE; ANN  
SALLIE NORDYKE, dba TS Trade  
Shows; JESS B. GUY; DUANE DARR;  
WILLIAM J. JONES; DARYL N.  
DAVID; TASIANA WESTYSCHYN; JEAN  
LEE; TODD BALTES; DENNIS BLAIR,  
R.L. ADAMS; ROGER BAKER; MIKE  
FOURNIER; VIRGIL McVICKER,  
*Plaintiffs-Appellants,*

v.

MARY V. KING; GAIL STEELE;  
WILMA CHAN; KEITH CARSON;  
SCOTT HAGGERTY; COUNTY OF  
ALAMEDA; COUNTY OF ALAMEDA  
BOARD OF SUPERVISORS,  
*Defendants-Appellees.*

No. 07-15763  
D.C. No.  
CV-99-04389-MJJ  
**ORDER**

Filed July 12, 2010

Before: Alex Kozinski, Chief Judge, Harry Pregerson,  
Stephen Reinhardt, Diarmuid F. O'Scannlain,  
Pamela Ann Rymer, Michael Daly Hawkins,  
Susan P. Graber, Ronald M. Gould, Richard C. Tallman,  
Milan D. Smith, Jr. and Sandra S. Ikuta, Circuit Judges.

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**ORDER**

The panel opinion in *Nordyke v. King*, 563 F.3d 439 (9th Cir. 2009), is vacated and the case is remanded to that panel for further consideration in light of *McDonald v. City of Chicago*, No. 08-1521, slip op. (U.S. June 28, 2010).