

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

JESUS ALCAZAR,

*Plaintiff,*

and

CESAR ROSAS,

*Plaintiff-Appellant,*

v.

THE CORPORATION OF THE CATHOLIC  
ARCHBISHOP OF SEATTLE; HORATIO  
YANEZ,

*Defendants-Appellees.*

No. 09-35003

D.C. No.  
2:06-cv-00281-RSM

ORDER

Filed August 5, 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.