

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

HEDELITO TRINIDAD Y GARCIA,
Petitioner-Appellee,

v.

MICHAEL BENOVA, Warden,
Metropolitan Detention Center-Los
Angeles,
Respondent-Appellant.

No. 09-56999

D.C. No.
2:08-cv-07719-
MMM-CW

ORDER

Filed February 28, 2011

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.

Judge Murguia did not participate in the deliberations or vote in this case.