

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

TIO DINERO SESSOMS, <i>Petitioner-Appellant,</i> v. D. L. RUNNELS, <i>Respondent-Appellee.</i>
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No. 08-17790  
D.C. No.  
2:05-cv-01221-  
JAM-GGH  
ORDER

Filed December 15, 2011

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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.