

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

ELIZABETH AIDA HASKELL;  
REGINALD ENTO; JEFFREY PATRICK  
LYONS, JR.; AAKASH DESAI, on  
behalf of themselves and others  
similarly situated,

*Plaintiffs-Appellants,*

v.

KAMALA D. HARRIS, Attorney  
General of California; EVA  
STEINBERGER, Assistant Bureau  
Chief for DNA Programs,  
California Department of Justice,  
*Defendants-Appellees.*

No. 10-15152

D.C. No.  
3:09-cv-04779-CRB

ORDER

Filed July 25, 2012

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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 Fed. R. App. P. 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judges Nguyen, Watford and Hurwitz did not participate in the deliberations or vote as to whether the case should be taken en banc.