

FOR PUBLICATION

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

ANGELO DAHLIA,
Plaintiff-Appellant,

v.

OMAR RODRIGUEZ, individually and
as a Lieutenant of the Burbank
Police Department; EDGAR
PENARANDA, individually and as a
Sergeant of the Burbank Police
Department; JOSE DURAN,
individually and as a Sergeant of the
Burbank Police Department; CHRIS
CANALES, individually and as a
Detective of the Burbank Police
Department; CITY OF BURBANK, a
municipal corporation; JOHN
MURPHY, individually and as a
Lieutenant of the Burbank Police
Department,

Defendants-Appellees,

and

TIM STEHR, individually,
Defendant.

No. 10-55978

D.C. No.
2:09-cv-08453-
MMM-JEM

ORDER

Filed December 11, 2012

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 Federal Rule of Appellate Procedure 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.