

**FOR PUBLICATION**

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

JUAN ROBERTO ALBINO,  
*Plaintiff-Appellant,*

v.

LEE BACA, Los Angeles County  
Sheriff; LOS ANGELES COUNTY,  
*Defendants-Appellees.*

No. 10-55702

D.C. No.  
2:08-cv-03790-  
GAF-MLG

ORDER

Filed March 12, 2013

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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 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.