FOR PUBLICATION

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIAN JOSEPH MCMONAGLE,

Petitioner-Appellant,

No. 12-15360

v.

D.C. No. 2:11-cv-02115-GGH

DON L. MEYER, Chief Probation Officer, Sacramento County, Respondent-Appellee.

ORDER

Filed April 3, 2015

ORDER

THOMAS, 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.