

FOR PUBLICATION

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

DAMOUS D. NETTLES,
Petitioner-Appellant,

v.

RANDY GROUNDS, Warden,
Respondent-Appellee.

No. 12-16935

D.C. No.
1:11-cv-01201-
AWI-JLT

ORDER

Filed January 20, 2016

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.