

FOR PUBLICATION

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

MICHAEL NOZZI, an individual;
NIDIA PELAEZ, an individual; LOS
ANGELES COALITION TO END
HUNGER AND HOMELESSNESS, a
non-profit organization, on behalf of
themselves and similarly situated
persons,

Plaintiffs-Appellants,

v.

HOUSING AUTHORITY OF THE CITY
OF LOS ANGELES; RUDOLPH
MONTIEL, in his official capacity,
Defendants-Appellees.

No. 13-56223

D.C. No.
2:07-cv-00380-
GW-FFM

ORDER

Filed January 29, 2016

Before: Stephen Reinhardt and Richard R. Clifton, Circuit
Judges and Miranda M. Du,* District Judge.

* The Honorable Miranda M. Du, District Judge for the U.S. District
Court for the District of Nevada, sitting by designation.

ORDER

The opinion filed November 30, 2015, and appearing at 806 F.3d 1178 (9th Cir. 2015), is hereby amended as follows:

1. Slip op. at 47, line 2: after “to ‘preserve the appearance of justice’” but before the end of the sentence and the citation *Id.*, insert: “and avoid any suggestion that the district judge originally assigned to the case designated the judge to whom the case is reassigned.”
2. Slip op. at 47, line 2: after the *Id.* citation that now follows the above amendment, insert the following footnote: “By this order, we imply no concern that the two judges would be less than fully objective and fair were the case reassigned to them. We are also aware that any assignment would be made in a random manner under the regular procedures of the district court and would in no way be influenced by Judge Wu’s suggestion. It is solely the public perception of unfairness that concerns us.”

With these amendments, the panel has voted to deny the petition for panel rehearing and the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petitions for rehearing and rehearing en banc are **DENIED**. No further petitions for rehearing or petitions for rehearing en banc will be entertained.

The petition for leave to file a late, oversized brief of *amicus curiae* on behalf of the Housing and Development Law Institute is also **DENIED**.