

FOR PUBLICATION

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

SARA LOWRY,
Plaintiff-Appellant,

v.

CITY OF SAN DIEGO,
Defendant-Appellee.

No. 13-56141

D.C. No.
3:11-cv-00946-MMA-WMC

ORDER

Filed September 16, 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.