

**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

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**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.