

FOR PUBLICATION

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

R. E. B., individually and on behalf of
his minor child, J.B.,

Plaintiff-Appellant,

v.

STATE OF HAWAII DEPARTMENT OF
EDUCATION; KATHRYN MATAYOSHI,
in her official capacity as
Superintendent of the Hawaii Public
Schools,

Defendants-Appellees.

No. 14-15895

D.C. No.
1:13-cv-00016-
DKW-BMK

ORDER

Filed April 3, 2018

Before: Michael Daly Hawkins, Carlos T. Bea,
and Jacqueline H. Nguyen,* Circuit Judges.

* Judge Kozinski, originally a member of the panel, retired before action could be taken on these petitions. Judge Nguyen was drawn in his place.

ORDER

The panel, as reconstituted, has voted to grant Defendants-Appellees' Petition for Panel Rehearing. Judges Bea and Nguyen have voted to deny the Petition for Rehearing En Banc, and Judge Hawkins so recommended.

The Petition for Panel Rehearing is **GRANTED**. The Opinion and dissent filed on September 13, 2017, are withdrawn, and this case is resubmitted pending further order of this court.

The Petition for Rehearing En Banc is **DENIED** as moot.