

FOR PUBLICATION

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

AILEEN RIZO,
Plaintiff-Appellee,

v.

JIM YOVINO, Fresno County
Superintendent of Schools,
Erroneously Sued Herein as
Fresno County Office of
Education,
Defendant-Appellant.

No. 16-15372

D.C. No.
1:14-cv-00423-MJS

ORDER

Filed August 29, 2017

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 disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.