

**FOR PUBLICATION**

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

MATTHEW BRACH, an individual;  
JESSE PETRILLA, an individual;  
LACEE BEAULIEU, an individual;  
ERICA SEPHTON, an individual;  
KENNETH FLEMING, an individual;  
JOHN ZIEGLER, an individual;  
ALISON WALSH, an individual;  
ROGER HACKETT, an individual;  
CHRISTINE RUIZ, an individual; Z. R.,  
a minor; ADE ONIBOKUN, an  
individual; BRIAN HAWKINS, an  
individual; TIFFANY MITROWKE, an  
individual; MARIANNA BEMA;  
ASHLEY RAMIREZ, an individual,  
*Plaintiffs-Appellants,*

No. 20-56291

D.C. No.  
2:20-cv-06472-  
SVW-AFM

ORDER

v.

GAVIN NEWSOM, in his official capacity as the Governor of California; ROB BONTA, in his official capacity as the Attorney General of California; TOMAS ARAGON, in his official capacity as the State Public Health Officer and Department of Public Health Director; TONY THURMOND, in his official capacity as State Superintendent of Public Instruction and Director of Education,  
*Defendants-Appellees.*

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Filed December 8, 2021

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## **ORDER**

MURGUIA, 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 is vacated.