

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 28 2025

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TODD YUKUTAKE; DAVID
KIKUKAWA,

Plaintiffs-Appellees,

v.

ANNE E. LOPEZ, In her Official Capacity
as the Attorney General of the State of
Hawaii,

Defendant-Appellant,

and

CITY AND COUNTY OF HONOLULU,

Defendant.

No. 21-16756

D.C. No.

1:19-cv-00578-JMS-RT

District of Hawaii,

Honolulu

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 40(c) and Circuit Rule 40-3. The three-judge panel opinion is vacated.

Judge Bennett did not participate in the deliberations or vote in this case.