

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FRANKIE GREER,

Plaintiff,

and

SAN DIEGO UNION TRIBUNE,
LLC; PRISON LEGAL NEWS;
VOICE OF SAN DIEGO,

Intervenors-Appellees,

v.

COUNTY OF SAN DIEGO,

Defendant-Appellant,

WILLIAM GORE, Sheriff; ALFRED
JOSHUA, M.D.; BARBARA LEE;
MACY GERMONO; FRANCISCO
BRAVO; CHRISTOPHER SIMMS;
MICHAEL CAMPOS,

Defendants.

No. 23-55607

D.C. No.
3:19-cv-00378-
JO-DEB

ORDER

Filed August 28, 2025

Before: Susan P. Graber, Consuelo M. Callahan, and Lucy
H. Koh, Circuit Judges.

ORDER

Judge Graber and Judge Callahan voted to deny the petition for panel rehearing. Judge Koh voted to grant the petition for panel rehearing. Judge Callahan voted to deny the petition for rehearing en banc, and Judge Graber so recommended. Judge Koh voted to grant the petition for rehearing en banc.

The full court was advised of the petition for rehearing en banc. A judge of the court requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of votes of the nonrecused active judges in favor of en banc consideration. Fed. R. App. P. 40. Judge Owens did not participate in the deliberations or vote in this case.

The petition for panel rehearing and rehearing en banc, Dkt. No. 76, is DENIED.