

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

JESSICA BATES,

*Plaintiff - Appellant,*

v.

Director FARIBORZ  
PAKSERESHT, in his official  
capacity as Director of the Oregon  
Department of Human Services;  
Deputy Director LIESL WENDT, in  
her official capacity as Deputy  
Director of the Oregon Department of  
Human Services; APRILLE FLINT-  
GERNER, in her official capacity as  
Interim Director of the Oregon  
Department of Human Services Child  
Welfare Division; REBECCA  
GARRISON, in her official capacity  
as certification supervisor for the  
Oregon Department of Human  
Services office in Malheur County;  
CECILIA GARCIA, in her official  
capacity as certification officer for  
the Oregon Department of Human  
Services office in Malheur Count,

*Defendants - Appellees.*

No. 23-4169

D.C. No.  
2:23-cv-00474-  
AN

ORDER

Filed February 13, 2026

Before: Michael Daly Hawkins, Richard R. Clifton, and  
Daniel A. Bress, Circuit Judges.

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**ORDER**

A judge of this court sua sponte requested a vote on whether to rehear this case en banc. A vote was taken, and the matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc consideration. *See* Fed. R. App. P. 40.

Rehearing en banc is **DENIED**.