

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.

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**.