

FILED

FOR PUBLICATION

FEB 20 2009

UNITED STATES COURT OF APPEALS

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

FOR THE NINTH CIRCUIT

**MARY BULL; JONAH ZERN and all
others similarly situated; LAURA
TIMBROOK; LEIGH FLEMING;
CHARLI JOHNSON; MICKY
MANGOSING; ALEXIS BRONSON;
MARCY CORNEAU; LISA
GIAMPAOLI,**

Plaintiffs - Appellees,

v.

**CITY AND COUNTY OF SAN
FRANCISCO; SAN FRANCISCO
COUNTY SHERIFF'S
DEPARTMENT; MICHAEL
HENNESSEY, Sheriff; SAN
FRANCISCO COUNTY SHERIFF'S
DEPUTIES,**

Defendants - Appellants.

No. 05-17080

D.C. No. CV-03-01840-CRB

ORDER

MARY BULL; JONAH ZERN and all others similarly situated; LAURA TIMBROOK; LEIGH FLEMING; CHARLI JOHNSON; MICKY MANGOSING; ALEXIS BRONSON; MARCY CORNEAU; LISA GIAMPAOLI,

Plaintiffs - Appellees,

v.

CITY AND COUNTY OF SAN FRANCISCO; SAN FRANCISCO COUNTY SHERIFF'S DEPARTMENT; MICHAEL HENNESSEY, Sheriff; SAN FRANCISCO COUNTY SHERIFF'S DEPUTIES,

Defendants - Appellants.

No. 06-15566

D.C. No. CV-03-01840-CRB/EMC

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.