

**FILED**

**FOR PUBLICATION**

MAR 12 2013

**UNITED STATES COURT OF APPEALS**

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

**FOR THE NINTH CIRCUIT**

**JUAN ROBERTO ALBINO,**

Plaintiff - Appellant,

v.

**LEE BACA, Los Angeles County  
Sheriff; LOS ANGELES COUNTY,**

Defendants - Appellees.

No. 10-55702

D.C. No. 2:08-cv-03790-GAF-  
MLG

**ORDER**

**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 Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.