

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 25 2013

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

JOSHUA JAMES FROST,

Petitioner - Appellant,

v.

RON VAN BOENING, Superintendent,

Respondent - Appellee.

No. 11-35114

D.C. No. 2:09-cv-00725-TSZ

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.