

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

APR 03 2015

**FOR THE NINTH CIRCUIT**

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

**BRIAN JOSEPH MCMONAGLE,**

Petitioner - Appellant,

v.

**DON L. MEYER, Chief Probation  
Officer, Sacramento County,**

Respondent - Appellee.

No. 12-15360

D.C. No. 2:11-cv-02115-GGH

**ORDER**

**THOMAS**, 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.