

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

FEB 22 2024

**FOR THE NINTH CIRCUIT**

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

ANDREW TETER; JAMES GRELL,

Plaintiffs-Appellants,

v.

ANNE E. LOPEZ; DARRYL NG,

Defendants-Appellees.

No. 20-15948

D.C. No.

1:19-cv-00183-ACK-WRP

District of Hawaii,

Honolulu

**ORDER**

**MURGUIA**, 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 is vacated.

Judges Owens and Bennett did not participate in the deliberations or vote in this case.