

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HOWARD L. BINGHAM,

Plaintiff - Appellee,

v.

CITY OF MANHATTAN BEACH; ERNEST
KLEVESAHL, JR.; HODGEN CROSSETT;
DOES, 1-10, inclusive,

Defendants,

and,

ROBERT SCHREIBER,

Defendant - Appellant.

No. 01-56044

DC No. CV 00-6882 MMM

ORDER

HOWARD L. BINGHAM,

Plaintiff - Appellant,

v.

CITY OF MANHATTAN BEACH; ERNEST
KLEVESAHL, JR.,

Defendants,

and,

No. 01-56086

DC No. CV 00-6882 MMM

ROBERT SCHREIBER; HODGEN
CROSSETT,

Defendants - Appellees.

Filed August 28, 2003

Before: REINHARDT, TROTT, and TASHIMA, Circuit Judges.

The opinion and partially dissenting opinion, filed May 19, 2003, slip op. at 6575, and reported at 329 F.3d 723, are withdrawn and replaced by the amended opinion, and partially concurring and partially dissenting opinion filed concurrently with this order. With these amendments, the panel has voted to deny the petitions for panel rehearing and the petitions for rehearing en banc, with Judge Reinhardt voting to grant plaintiff-appellant's petition for panel rehearing and petition for rehearing en banc. The full court has been advised of the petitions for rehearing en banc, but no judge of the court has called for a vote on en banc rehearing. The petitions for panel rehearing and the petitions for rehearing en banc are denied. *See* Fed. R. App. P. 35(f). No further petition for rehearing may be filed.