

**FILED**

APR 28 2010

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

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**MUHAMMAD SHABAZZ  
FARRAKHAN, aka Ernest S. Walker;  
AL-KAREEM SHADEED; MARCUS  
X. PRICE; RAMON BARRIENTES;  
TIMOTHY SCHAAF; CLIFTON  
BRICENO,**

Plaintiffs - Appellants,

v.

**CHRISTINE O. GREGOIRE; SAM  
REED; HAROLD W. CLARKE;  
STATE OF WASHINGTON,**

Defendants - Appellees.

No. 06-35669

D.C. No. CV-96-00076-RHW

**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 Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.