

FILED

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FEB 10 2023

FOR THE NINTH CIRCUIT

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

CRISTA RAMOS; CRISTINA MORALES;
BENJAMIN ZEPEDA; ORLANDO
ZEPEDA; JUAN EDUARDO AYALA
FLORES; ELSY YOLANDA FLORES DE
AYALA; MARIA JOSE AYALA FLORES;
HNAIDA CENEMAT; WILNA DESTIN;
RILYA SALARY; SHERIKA BLANC;
IMARA AMPIE; MAZIN AHMED;
HIWAIDA ELARABI,

Plaintiffs-Appellees,

v.

CHAD F. WOLF, Secretary of Homeland
Security; KENNETH T. CUCCINELLI,
Senior Official Performing the Duties of the
Deputy Secretary of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; UNITED STATES OF
AMERICA,

Defendants-Appellants.

No. 18-16981

D.C. No. 3:18-cv-01554-EMC
Northern District of California,
San Francisco

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 H.A. Thomas did not participate in the deliberations or vote in this case.