

**FILED**

NOV 05 2009

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

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**CATHOLIC LEAGUE FOR  
RELIGIOUS AND CIVIL RIGHTS;  
RICHARD SONNENSHEIN;  
VALERIE MEEHAN,**

Plaintiffs - Appellants,

v.

**CITY AND COUNTY OF SAN  
FRANCISCO; AARON PESKIN; TOM  
AMMIANO, in his official capacity as a  
Supervisor, Board of Supervisors, City  
and County of San Francisco,**

Defendants - Appellees.

No. 06-17328

D.C. No. CV-06-02351-MHP

**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.