

FILED

UNITED STATES COURT OF APPEALS

OCT 03 2018

FOR THE NINTH CIRCUIT

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

JUAN HERNANDEZ; et al.,

Plaintiffs-Appellees,

v.

CITY OF SAN JOSE, a municipal  
corporation; et al.,

Defendants-Appellants.

No. 17-15576

D.C. No. 5:16-cv-03957-LHK  
Northern District of California,  
San Jose

ORDER

Before: D.W. NELSON, KLEINFELD, and W. FLETCHER, Circuit Judges.

Judge W. Fletcher voted to deny the petition for rehearing en banc. Judge Nelson and Judge Kleinfeld recommended denial of the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. (Fed.R. App. P. 35.)

The petition for rehearing en banc is **DENIED**.