FOR PUBLICATION

FILED

JUL 28 2025

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TODD YUKUTAKE; DAVID KIKUKAWA,

Plaintiffs-Appellees,

v.

ANNE E. LOPEZ, In her Official Capacity as the Attorney General of the State of Hawaii,

Defendant-Appellant,

and

CITY AND COUNTY OF HONOLULU,

Defendant.

No. 21-16756

D.C. No.
1:19-cv-00578-JMS-RT
District of Hawaii,
Honolulu

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 40(c) and Circuit Rule 40-3. The three-judge panel opinion is vacated.

Judge Bennett did not participate in the deliberations or vote in this case.