

**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.