

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

FEB 8 2019

**FOR THE NINTH CIRCUIT**

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

GEORGE K. YOUNG, Jr.,

Plaintiff-Appellant,

v.

STATE OF HAWAII; NEIL  
ABERCROMBIE, in his capacity as  
Governor of the State of Hawaii; DAVID  
MARK LOUIE I, Esquire, in his capacity as  
State Attorney General; COUNTY OF  
HAWAII, as a sub-agency of the State of  
Hawaii; WILLIAM P. KENOI, in his  
capacity as Mayor of the County of Hawaii;  
HILO COUNTY POLICE DEPARTMENT,  
as a sub-agency of the County of Hawaii;  
HARRY S. KUBOJIRI, in his capacity as  
Chief of Police; JOHN DOES, 1-25; JANE  
DOES, 1-25; DOE CORPORATIONS, 1-5;  
DOE ENTITIES, 1-5,

Defendants-Appellees.

No. 12-17808

D.C. No.

1:12-cv-00336-HG-BMK

District of Hawaii,  
Honolulu

**ORDER**

**THOMAS**, 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 disposition in this case shall not be cited as precedent by or to any court of the Ninth Circuit.

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