

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2019

FOR THE NINTH CIRCUIT

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

EZZARD CHARLES ELLIS,

Petitioner-Appellant,

v.

C. M. HARRISON, Warden,

Respondent-Appellee.

No. 16-56188

D.C. No.

5:05-cv-00520-SJO-JEM

Central District of California,  
Riverside

**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.