

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 27 2009

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

JERILYN QUON; APRIL FLORIO;
DOREEN KLEIN; JEFF QUON;
STEVEN TRUJILLO,

Plaintiffs - Appellants,

v.

ARCH WIRELESS, INCORPORATED, a
Delaware corporation; CITY OF
ONTARIO, a municipal corporation;
LLOYD SCHARF; ONTARIO POLICE
DEPT; DEBBIE GLENN, individually and
as a Sergeant of Ontario Police
Department,

Defendants - Appellees.

No. 07-55282

D.C. No. CV-03-00199-SGL
Central District of California,
Los Angeles

ORDER

Before: PREGERSON and WARDLAW, Circuit Judges, and LEIGHTON,^{*}
District Judge.

^{*} The Honorable Ronald B. Leighton, United States District Judge for
the Western District of Washington, sitting by designation.

Judges Pregerson, Wardlaw, and Leighton voted to deny Appellees' petition for panel rehearing. Judges Pregerson and Wardlaw also voted to deny Appellees' petition for rehearing en banc, and Judge Leighton so recommended.

The full court was advised of the petition for rehearing en banc. A judge requested a vote on whether to rehear the matter en banc. The matter failed to receive a majority of the votes of the nonrecused active judges in favor of en banc reconsideration. Fed. R. App. P. 35. Judge Bybee was recused.

The petition for rehearing en banc is denied.